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James H. Falk



# THE REPUBLIC;

OR,

## A HISTORY

OF THE

# UNITED STATES OF AMERICA

IN

## THE ADMINISTRATIONS,

FROM THE MONARCHIC COLONIAL DAYS  
TO THE PRESENT TIMES.

BY

JOHN ROBERT IRELAN, M. D.

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IN EIGHTEEN VOLUMES.

Volume XI.

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HISTORY  
OF THE  
LIFE, ADMINISTRATION  
AND TIMES  
OF  
JAMES KNOX POLK,  
*Eleventh President of the United States.*

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War with Mexico,  
AND  
Beginning of the Golden Era on the Pacific.

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BY  
JOHN ROBERT IRELAN, M. D.

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FAIRBANKS AND PALMER PUBLISHING CO.  
1888.

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# LIFE, ADMINISTRATION, AND TIMES

OF

## JAMES KNOX POLK,

ELEVENTH PRESIDENT OF THE UNITED STATES.

March 4, 1845, to March 4, 1849.

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### CHAPTER I.

ORIGIN OF THE POLK FAMILY—DISTRIBUTION IN THE  
UNITED STATES—FAMILY TREE.

JUDGE A. O. P. NICHOLSON says, in his "Eulogy" on James K. Polk, that "it is a truth, not unmixed with cause for regret, that posterity is the only tribunal on earth whose judgment as to the character of distinguished men can be impartial, and consequently infallible." This is an old, threadbare saying, and, besides the mere fact that infallibility does not belong to man under the most favorable circumstances even, there are other difficulties in the way of its acceptance as the truth. Posterity depends for its knowledge of an individual upon the testimony of his contemporaries, or those who not

only lived in his day, but who also wrote and spoke for and against him. Thus the impartial judge, so-called, is under the disadvantage, after all, of basing his opinion upon the views of partial or interested witnesses. Partial and impartial are, however, doubtful terms, and a miscellaneous jury of justices could hardly agree in their application to a man or a political event. While posterity may, possibly, be indifferent enough, indifference is an unreliable quality in a judge. The present looks back at the past from its own point of view and vantage ground. Manhood with difficulty views its own childhood with even-handed justice. "Oh! that I were a child once more!" is a sentiment which rests on an exaggeration, a delusion. Time softens asperities, mitigates and leans to the side of charity. The future lifts from its back much of the weight of the past. One age, in its own cares and strifes, becomes oblivious of much belonging to the preceding, and not only loses sight of the real distinctive points, but also loses its capabilities to recognize and appreciate them. If to be charitable, to look at general facts, to estimate favorably because it seems uncalled for or ungenerous to do otherwise, is to be impartial and infallible, then posterity may be impartial and infallible.

Humboldt said of Bayard Taylor what that magnanimous American would not have said of another, that he had traveled more and seen less than any other man. But it is a fact, that however well-meaning the traveler and explorer in any field may

be, his view must be hasty, and the opportunities for him to become a discriminative and just judge are largely wanting. Posterity is a traveler, and its reports from the past tend toward extravagant eulogy. Truth only is just (whether that be partial or impartial) and infallible, however its subject may be affected for honor or dishonor. As the old resident knows his country, and can tell its true character better than the itinerant observer, so the contemporary, the honorable neighbor who scans the daily walk, and is often made to feel the motives of it, has within him the highest tests of just judgment. With this view constantly before me, and certainly feeling no superior fitness by belonging to another generation, I can do nothing but leave the reader to his own reflections touching my success as a fair and exact historian and biographer.

Among the many families of Irish, or Scotch-Irish, origin, which have become distinguished in this country, none of them, perhaps, stands before that of Polk. The line of this family has been traced back to the end of the twelfth century, in Scotland, and for several hundred years remained mainly unchanged from Pollock or Pollok, finally slipping into Polk after the family settled in Ireland.

A common tendency in this country is to pronounce the abbreviated term *Polk*, *poke*, but this usage never sprang from the Polks themselves, who scrupulously hold to the *l*. The founder of the American family was Robert Polk, who came to this country with his wife, Magdalen, who had been the

widow of Colonel Porter, between 1640 and 1660, and settled at a place called "Dames Quarter," on Chesapeake Bay, in the present county of Somerset, Maryland, where he had a grant of land from Lord Baltimore. Robert Polk had a large family, which became extensively connected, and some of his descendants are yet identified with the affairs of Maryland. But Thomas, Ezekiel, and Charles, sons of William, and great-grandchildren of Robert and Magdalen, settled finally in what is now Mecklenburg County, North Carolina. Both these men and their father, who was the son of John Polk, were natives of Maryland. John, their grandfather, was, perhaps, born in Ireland, as he was the oldest child of Robert and Magdalen, the original emigrants. John was twice married, and William, the father of Ezekiel, Thomas, and Charles, was the son of his first wife, Jugurtha Hugg. William was also twice married, as was his son Ezekiel; and Samuel, one of the sons of this Ezekiel, was the father of James K. Polk.

One of the sons or grandsons of Robert and Magdalen settled in Kentucky, and some of his descendants still live in that State, keeping up well the honorable history of the family in general. In time the Polks became dispersed in various parts of the country, especially in the South and South-west. The three brothers who settled in Carolina became conspicuous in organizing the opposition to Great Britain, and were firm supporters of the War of the Revolution. Ezekiel was the first clerk of the new



county of Lincoln, North Carolina, organized in 1768, was afterwards a magistrate in Mecklenburg, was a staunch Whig, and while he did not himself become a soldier, he was a man of considerable influence. He is said to have become wealthy, a fact here mentioned, not as an item of history, but for the privilege it gives of saying that wealth is not an inseparable accompaniment of virtue and wisdom, while it is sometimes, unfortunately, the only requisite of influence. Charles Polk served for a time as a captain of "light horse" in the Revolutionary War; but the most considerable of these brothers was Thomas. He had the honor of being appointed to call the now famous Mecklenburg Convention, which declared North Carolina independent of Great Britain, a declaration which actually went before that of the Continental Congress. This appointment he received from the "Committee of Safety," a Whig organization, of which he was a member. He was also commander of the militia of the county, and, through his captains of districts, the call was made. He was several times member of the Colonial Assembly, was surveyor of the Province, was appointed colonel of the Fourth Regiment in the Continental line, in 1776, and served in some capacity, much of the time in charge of the commissary department, until 1780, when the distinguished William Richardson Davie took his place at the head of the commissary of the Southern army. He died, and his remains were buried near Charlotte, in 1793. He had one son, William, who entered the army at the

age of sixteen, at the beginning of hostilities, and, after serving under his father against the Tories, joined the troops from his State under General Washington. He was in the battle of the Brandywine, and at Germantown was wounded. He served under Greene, and, at Eutaw Springs, was again severely wounded. He quit the war as a lieutenant-colonel. President Madison offered him a brigadier-generalship in 1812, but this he did not accept. He served a term in the Legislature ("House of Commons"). He died at Charlotte in 1835. Thomas G. Polk, of Mississippi, was his son, and the wife of Kenneth Rayner, of Washington City, was his daughter. This William was also the father of the famous fighting Bishop, General Leonidas Polk, a man whose qualities as a warrior were ranked as deservedly high, perhaps, as were his powers as an expounder of the grand and loving principles and teachings of the Prince of Peace. The descendants of Charles, Thomas, and Ezekiel were quite numerous in North Carolina, but they had mostly become residents of other States before 1840. Charles Polk, one of the sons of Robert and Magdalen, married Miss Peale, of Philadelphia, sister of Peale, the painter, and their son was the late Charles Peale Polk, a painter of distinction. The following genealogical record was furnished for this work by Colonel W. H. Polk, of Lexington, Kentucky:—

ISSUE AND DESCENDANTS OF ROBERT AND MAGDALEN.

Robert and Magdalen's children: John, William, Ephraim, James, Robert, Joseph, Margaret, and Ann.

1. John married first, Jugurtha Hugg; second, Joana Knox. Issue by first wife: William and Nancy. William married first, Priscilla Roberts; second, Miss Taylor. Nancy married Edw. Roberts, brother of Priscilla.

## WILLIAM POLK'S ISSUE.

<sup>1</sup>William died in infancy.

<sup>2</sup>Charles and Polly Clark, issue: Thomas, Charles, Shelby, William, and Mike.

<sup>3</sup>Debora and Samuel McCleary, no issue.

<sup>4</sup>Susan and Benjamin Alexander, issue: Thomas, Charles, Susan, William, Benjamin, and Taylor.

<sup>5</sup>Margaret and Mr. McRee, issue: William, Debora, Susan, James, Margaret, Dinah, Thomas, Harriet, Rachel, William, and one not named.

<sup>6</sup>John and Elinor Shelby, issue: Charles, Shelby, Taylor, and John.

<sup>7</sup>General Thomas and Susan Spratt, issue: Thomas (killed at Eutaw Springs), William (father of the Bishop), Ezekiel (died at sea), Charles (married Miss Alexander), Margaret (married Governor Alexander), Mary (married Mr. Brown), Martha (married Dr. Brevard, author of "Mecklenburg Declaration of Independence"), and Joseph, who married Miss Moore.

<sup>8</sup>Ezekiel Polk married first, Miss Wilson, second, Mrs. Leonard, issue: Thomas Polk, Matilda, William, Samuel (father of James K.), John, Louisa, Clarissa, Mary, Charles P., Eugenia, Benigna, and Edward. Samuel Polk married Jane Knox, issue: *James K. Polk*, Maria Walker, Eliza Caldwell, Marshall Polk, John L. Polk, Franklin Polk, Naomi Harris, Ophelia Hayes, William H., and Samuel.

I should have given Mary, who married John Barnett, as William Polk's eldest child. By mistake her name was left off the family tree. She was mother of the noted Colonel Jack Barnett, a man of great courage and note in the Revolution.

## BALANCE OF ROBERT AND MAGDALEN'S CHILDREN.

2. William married first, Nancy Knox, sister to Jona, John's wife ; second, the Widow Owings.

3. Ephraim married Miss Williams.

4. James married Miss Williams, sister to foregoing.

5. Robert married Miss Guillette.

6. Joseph married Miss Wright.

7. Margaret married Mr. Pollett, of Somerset County.

8. Ann married Francis Roberts, of Somerset County.

Edward Roberts, who married John's daughter Nancy, and Priscilla Roberts, who married William Polk, were children of Aunt Frances Roberts.

William sold his estate in Dorchester County, Maryland, in 1723, after his father's death, and moved to Carlisle, Pennsylvania, thence to North Carolina.



## CHAPTER II.

BOYHOOD OF JAMES K. POLK—EDUCATION—PROFESSION—  
MR. POLK AS A LAWYER.

JAMES KNOX POLK, the oldest of the ten children, of Samuel (one of the sons of Ezekiel Polk) and Jane Knox Polk, was born November 2, 1795, in a "double log" house, in Mecklenburg County, North Carolina, ten miles south of Charlotte, on the Camden Road. The farm on which his father lived at this time was inherited, his grandfather, Ezekiel, having owned considerable property in that region. His name, James Knox, was acquired from his maternal grandfather, of Iredell County, North Carolina, who was a captain in the War of the Revolution, and one of the worthy Whigs of the State, who were among the first Americans to declare open resistance to the parent country.

In 1806, Samuel Polk emigrated with his family to Tennessee, and settled on Duck River, in Maury County. Here, as he had done in North Carolina, he engaged in farming and surveying, and with him his oldest son shared the toils and pleasures of these pursuits. This country, now the very heart of Tennessee, was then new, and land was cheap and easily obtained. Like all the western adventurers Samuel Polk had come to Tennessee with a view of

bettering his fortune. This he did, leaving his family in "good circumstances" at the time of his death, in 1827. He made no public pretensions, and occupied himself mainly in the care and interest of his family, and so conducted himself as to receive the distinction of being one of the most worthy of the Tennessee pioneers. His family had contained some of the most active, useful, and spirited men of North Carolina, and its reputation had not suffered by his conduct and life in Tennessee. Like most men of his day he possessed little education and polish, but lived to see his son, through these means, rising above the most ambitious attainments of any member of the Polk family. Judge A. O. P. Nicholson says, in his "Eulogy" on Polk, that "without a liberal education, he would have become a man of great wealth, but, as a man of mind, could never have attained eminence." That is simply the statement of a general principle. Only three of Samuel Polk's sons married, and all of them were short-lived, William H. living to the greatest age. Marshall Tate returned to North Carolina, where he died young, leaving two children. William H. was an officer in the Mexican War; he had held a foreign appointment under President Tyler, and subsequently was a man of some note at Columbia, Tennessee, where he died. Three of the four daughters of Samuel Polk outlived his most distinguished son. Mrs. Jane Polk lived to the age of seventy-five, and died at Columbia several years after the death of President Polk, her oldest

child. A very ridiculous story has been told as to her marrying a Mr. Eden, and living in great honor and happiness with him. The fact is, however, that she was never married a second time, and never knew or heard of such a man as Mr. Eden, as, perhaps, nobody else did in Maury County, Tennessee, although the name Eden was honorably mentioned in the early history of North Carolina. It is certainly a credit to the name of Mr. Polk that his mother was never married again. Although she spent her last days amidst honors gathered from the life of her son, yet, without these, she stood well in the esteem of her neighbors. To her, her children were, to a great extent, indebted for many of their most correct principles of life, although the general arrangement and conduct of Samuel Polk's home were those of the North of Ireland Presbyterians. Although the Polks were not people of much culture and education, technically speaking, yet James K. Polk had no reason, immediately or remotely, to be ashamed of his family and name, either on the side of his father or his mother.

Notwithstanding the comparatively favorable conditions, for the country and times, surrounding the early life of James K. Polk, yet he was subjected to some peculiarly distressing drawbacks deserving notice. Such education as the woods and the farm afforded he received, and for that his body seemed better suited than any other, although he showed no taste for that kind of education. He wanted the education of books, and his father favored him in this,

and gave him such opportunities as the circumstances presented. But the great difficulty in the way was Polk's frail body and ill-health. While cooking for his father on the long surveying and land-locating tours, and in the other out-door and healthful pursuits connected with their farm-life, he kept up well, and the indications were fair for his overcoming an insidious tendency to disease and constitutional weakness. Wiser than most parents of this day, his father feared that he would not be able to stand a sedentary life, that the unremitting pursuit of books would only cut short his chances for the useful and active life he desired. But, selecting what he deemed a medium between the rougher farm-life and the so-called learned profession, he placed his son in a store at Columbia. The experience of Samuel Polk was that through which most parents pass. Simultaneously with the birth of the average boy comes the stupendous question, what is to be done with him, what use is to be made of him, what shall he be? In a very large per cent of all cases it is at once decided that he must be something great, something out of the ordinary way. The road to something great is in the "learned professions." Whoever could imagine it to lie in any other direction? Yet it is the smallest possible per cent of all the misguided young men who enter the "learned professions," that ever reach anything great; and not one of all who enter the "professions" for their health or on account of physical weaknesses, ever receives the least benefit by so doing. In nothing

else is demonstrated more clearly the inherent ignorance and quackery of the human family than in the numberless shifts to make something out of the boy so unfortunately born as not to be able to exhibit a predominant trait, or point by his qualities to the course he ought to take in life. Every boy that is defective in hearing, or who has an affection of the throat, or some weakness of the legs, or who is asthmatic or phthisical, or who is generally deficient in strength, and especially whose eyes are out of measure or weak, is, above all others, selected and labeled for a "learned profession." The very things that should send him to the field, or to some active, natural out-door pursuit, have put him in the best possible way to establish and perpetuate his weaknesses. The place for the weak, especially, is out of doors. Were men compelled to live mainly in the open air their ailments, in time, would range on a scale with those of the inferior animals which do so live.

Daniel Webster had in his mind the great mass of worthless men in the legal profession when he said, that "there is always room in the upper story." The upper stratum are not crowded in any pursuits. An old medical lecturer at the Cincinnati Hospital was once asked how many of the two hundred students before him would make honorable and useful members of the medical profession, and his answer was: "One, perhaps, may become distinguished; ten may be tolerably reputable; many of them finding themselves to be failures, will drop into other



pursuits; and the others will be a disgrace to the profession, and a source of mischief to the race." Medicine is yet a science only in some of its branches; in some of its branches (notably *materia medica* and therapeutics), it never will, perhaps, rise to any great degree of scientific respectability, and, as a whole, still furnishes the broadest field on earth for the opportunities of ignorance and charlatanry. The two or three other "learned professions" present nothing more inviting. The time will doubtlessly be, is not now far distant, when the men of the greatest leisure and the greatest culture and refinement, as well as of the highest physical perfections, will be found on the farms.

But back to James K. Polk. He found his tastes and inclinations so little in harmony with the small affairs of the store that, after a few weeks' trial, on his further urging the matter, his father concluded to put him in school. A most serious, determined affection (*vesical calculus*) had not only stood in his way, but also threatened to cut short his life. It was finally decided to submit him to a surgical operation for the removal, and this proving successful, he glided along smoothly in the course he had chosen. Yet Polk was constitutionally a delicate boy and man, and fell when he had barely reached what should be only the half-way point in the journey to a green old age on this earth. In the summer of 1813, he was put under the tuition of the Reverend Mr. Henderson; shortly afterward he went into the Murfreesboro Academy, under Samuel P. Black; and, in

1815, entered the University of North Carolina. In June, 1818, he graduated, bearing the distinction of being the best mathematical and classical scholar. He had the honor of delivering the "Latin Oration." Two years before his death this institution conferred upon him the degree of LL. D. Mr. Polk's success at school was not owing to natural superiority or uncommon brilliancy, but to the exercise of those common and reasonable, but necessary, means which have served in the cases of most successful men. His heart was in the work, and he labored earnestly and constantly; considered nothing a hardship that was meant to lead him to the desired goal; did every thing required of him; left nothing undone that he ought to do; and by perseverance and right conduct took position at the head of a class, containing some more active, if not brighter, minds. The Rev. Mr. Otey, a bishop in the Episcopal Church, who knew this part of Polk's life well, said of him:—

"Of his habits, while a student at college, I am able to speak from personal knowledge. We occupied adjacent rooms, and boarded at the same house. He had early trained his mind to a course of vigorous discipline, and was most exact in his devotion to hours of study. These hours were well understood by those who were in the habit of visiting his rooms at college, and none, but those unacquainted with his habits, would ever, at such times, seek admittance. The study in which he most delighted, and in which he was most distinguished, was the pure mathematics. His proficiency in this department of learning was often spoken of while a member of the university,

and was sometimes suggested as a reason for the favoritism or partiality, as it was called, of the President, the venerable Dr. Caldwell, himself a devoted lover of mathematical studies. But the plain truth is, that Mr. Polk was so regular in all his habits, so unexceptionable in his deportment, so attentive to all duties, so observant of all college rules, and restraints enacted by lawful authority, so diligent in the acquisition of knowledge, and, withal, so successful, too, that he could not be otherwise than a favorite with any instructor or professor. His proficiency and success are attributed to his economical use of time, to his systematic and punctual discharge of every duty. He was never hurried about anything. The summons of the bell never found him unprepared for the hour of devotion, for recitation, or for any appointed exercise. His hours for relaxation and recreation were as uniform in their recurrence as were those devoted to study, and no man entered with more apparent zest into the ordinary and allowable amusements of the place and day, in their season, or enjoyed with more relish, the humorous passages which not unfrequently break in upon and diversify the monotonous routine of college life."

Before entering college Mr. Polk had determined to go into the legal profession, and, accordingly, early in 1819, he began the study of the law at Nashville, in the office of Felix Grundy, who was regarded by some as the most able man Tennessee has ever had. This was a very fortunate step at the outset of his career. It not only gave him the benefit of the professional knowledge and experience of the first lawyer in the State, but also his warm friendship and patronage; and by Mr. Grundy he was introduced, at this time, to Andrew Jackson.

He made several visits to the Hermitage during his student days in Nashville, and there laid the foundation for a friendship which served him well in after times. The attachment between General Jackson and himself was mutual, and lasted to the end of the old hero's life. At this time he began to imbibe Jackson's political principles, and was, no doubt, greatly influenced by him in his public career. In the winter of 1820 he was admitted to the bar, and, returning to his father's, established himself in the practice of his profession at Columbia. His family influences were favorable to his success; and, above all, his known principles, habits, and reputation for painstaking and methodical labor placed him on a good footing at once with the community.

"His thorough academical preparation, his accurate knowledge of the law, his readiness and resources in debate, his unwearied application to business secured him, at once, full employment, and, in less than a year, he was already a leading practitioner. Such prompt success in a profession where the early stages are proverbially slow and discouraging, falls to the lot of few."

Thus wrote one of his admirers in 1838. He did not, however, rise to great distinction as a lawyer, although his reputation as a reliable, accurate, and laborious practitioner was of the first importance. The always fair and generous Henry S. Foote said, substantially, of him: "Of gentle, unobtrusive, conciliatory manners; upright and moral conduct; able as a lawyer, but entered political life before he attained that eminence at the bar to which



he aspired, as a popular speaker he, perhaps, has not had a superior in Tennessee."

His law business became quite extensive and profitable, and, although mainly practicing alone, at different times he had associated with him some of the most considerable men of the profession, among whom were Aaron Vail Brown and Gideon J. Pillow. As a political speaker he quite early took a first rank in his State. This was, however, not owing to intense or extravagant declamation. Few men of learning have been able to distinguish themselves in their public addresses by less of the foolish affectation and display of the technical formulas of learning than was Mr. Polk. There were men who, perhaps, in other respects were tolerable judges, who did consider Polk a slow, spiritless, and unattractive speaker for this very reason. He wanted, they held, that fire which came from rhetorical display, *ad captandum* appeals, and far-off "classic" affectations, as well as the magic of deep and widespread learning. That he did lack all of these there need be no question, but only the latter was a defect. His speeches never showed him to be one of those that

"Pluck bright honors from the pale-faced moon,  
Or dive into the bottom of the deep,  
And drag up drowned honor by the locks."

If such is to be an orator Polk never was one. He was a calm, argumentative speaker; dealt with the facts directly concerning the subject; with



studious precision arranged these to give greatest possible force; relied but little on collateral or far-fetched illustrations; and showed, by his great earnestness, that he had faith in his own utterances. He was one of the most sound, convincing, satisfactory, and reliable political speakers of his day.

## CHAPTER III.

POLK AS A POLITICIAN—IN THE STATE LEGISLATURE—  
IN CONGRESS—MR. SPEAKER POLK.

MR. POLK began his political career as a member of the Legislature in the fall of 1823, having two years previously, however, served as Chief Clerk of the Lower House in that body. He really took the "stump" for the first time in the summer of 1823, and, after a warm "canvass," defeated his opponent by a large majority at the polls. He entered the Legislature under very favorable circumstances, and his short service in that body strengthened his position before the public. His good sense, sound arguments, and admirable conduct made him at once a mark for a higher position. His father and family had been Democrats, and from association and principle he started out as a Democrat of the strictest sort himself, and in his after life there was little inconsistency in his course. He became a strong advocate of General Jackson's candidacy for the Presidency, and now had an opportunity to further his cause in that direction by aiding in his election to the United States Senate in the fall of 1823. Some of his first teachings came from Jackson, and, although a "strict constructionist," and greatly doubting the power of the General Government in reference to

internal improvements, he admitted that the Constitution should be amended to give the authority without doubt, and, in 1824, actually gave in to the belief that President Monroe had settled the question, and henceforward it would, perhaps, be the fixed policy of the Government to take charge of internal improvements, even to constructing roads of general importance through the States. This position he subsequently regarded as one of the few heresies of his immature political days, and returned with unswerving devotion to the original Democratic views on this subject. But the Constitution never was amended to relieve the scruples of the "strict constructionists," and long ago, in reference to internal improvements, this class of politicians passed away, all parties now striving to win public favor by advocating the greatest national expenditures in this direction.

A bill to prevent dueling in Tennessee was brought forward by Mr. Polk during this term of service in the Legislature, and through his exertions passed. In a community where dueling was fashionable, or, at least, tolerable, this was a daring step, and especially for a young legislator. But it illustrated his courage and his devotion to principles that the good judgment of all right-minded men would sustain. In the summer or spring of 1825, he became a candidate for representative from his district in Congress, and was elected. The issues at this time were not very important. In Tennessee the most prominent, perhaps, being the so-called frauds by

which General Jackson was cheated out of the Presidency, and compelled to wait four years longer.

The question of internal improvements was also made a matter of some moment. In one of Mr. Polk's addresses, at this time, is found this language :—

“How far the General Government has power to make internal improvements, has been a question of some difficulty in the deliberations of Congress. It has been a question long and ably controverted by our wisest statesmen. It seems, however, to have been lately settled by the three great departments of the Government in favor of the exercise of such a power. . . . The expediency of making internal improvements is unquestioned; it is only on the question of power that doubt has arisen. They are calculated to promote the agricultural, commercial, and manufacturing interests of the country; they add to the wealth, prosperity, and convenience of the great body of the people, by diminishing the expenses, and improving the facilities for the transportation of our surplus products to market, and furnishing an easy and cheap return of those necessities required for our consumption. A judicious system of internal improvements, within the powers delegated to the General Government, I therefore approve.”

In December, 1825, Mr. Polk took his seat in Congress. This was the first session under Mr. Adams. Mr. Polk was, of course, an earnest opponent of the Administration; but, at that date, the opposition members were in the minority in the House. He made his first speech of note on a bill to bring the election of President and Vice-President directly before the people, without the intervention of electors from all the States, and to this scheme

he gave his support. He vehemently opposed the President's recommendation to send commissioners to the Panama Congress, and brought forward and supported in a speech some resolutions against the impolitic measure, as it was termed by the opposition. He now began to see the error, as he believed, in his former position as to internal improvements, which Mr. Adams seemed to favor on a grand scale.

He was again elected to Congress in 1827, and was re-elected every two years, serving fourteen consecutive years without interruption. At the expiration of each term he "canvassed" his district, which he carried with little difficulty, it being strongly opposed to the Administration of Mr. Adams; and his own conduct in Congress constantly improving his own standing with his party. In December, 1827, he again took his seat in the House, now anti-Administration. Among the nine members from his State at this time were John Bell and David Crockett. He was now placed on the Committee of Foreign Affairs, and from this time forward was closely and conspicuously identified with the history of the House during his service in that body. A new member from Tennessee, destined to become distinguished in national affairs, and especially in connection with Mr. Polk, took his seat in the House in 1829, with the introduction of Andrew Jackson's Administration. This was Cave Johnson. David Crockett (the coon-hunter) and John Bell were also returned. Tennessee now began to lead in national affairs, and for the next eight years, at all events, she was



at the top, if General Jackson was. Mr. Polk now began to take a more decided stand against internal improvements by the General Government, and, in 1830, made before the House one of his most able speeches in support of his new position. He now took the most advanced Democratic views of the tariff and other measures of the opposition, and, like Mr. Benton in the Senate, was ever ready to find a plea for General Jackson and defend his Administration. In the famous session, beginning December 5, 1831, Tennessee substituted another representative for the good-hearted backwoodsman, Crockett, who did no little in making her famous, as also the Lower House of Congress. But it was, unfortunately, a kind of fame which that body has not yet escaped, and which led the distinguished, and sometimes correct, young traveler, De Tocqueville, to say at that very juncture :—

“On entering the House of Representatives at Washington, one is struck with the vulgar demeanor of that great assembly. The eye frequently does not discover a man of celebrity within its walls. Its members are almost all obscure individuals, whose names present no associations to the mind; they are mostly village lawyers, men in trade, or even persons belonging to the lower classes of society. In a country in which education is very general, it is said that the representatives of the people do not always know how to write correctly.”

A contemporary partisan writer, in speaking of Mr. Polk's work in Congress at this time, said :—

“In December, 1832, he was transferred to the Committee of Ways and Means, with which his connection has

been so distinguished. At that session the directors of the Bank of the United States were summoned to Washington, and examined upon oath before the committee just named. A division of opinion resulted in the presentation of two reports. That of the majority, which admitted that the Bank had exceeded its lawful powers by interfering with the plan of the Government to pay off the three per cent stock, was tame, and unaccompanied by pertinent facts or elucidating details. Mr. Polk, in behalf of the minority, made a detailed report, communicating all the material circumstances, and presenting conclusions utterly adverse to the institution which had been the subject of inquiry. This arrayed against him the whole Bank power, which he was made to feel in a quarter where he had everything at stake; for, upon his return to his district, he found the most formidable opposition mustered against him for his course upon this question. The friends of the United States Bank held a meeting at Nashville to denounce his report. The most unscrupulous misrepresentations were resorted to in order to prove that he had destroyed the credit of the West by proclaiming that his countrymen were unworthy of mercantile confidence. The result, however, was that, after a violent contest, Mr. Polk was re-elected by a majority of more than three thousand. Fortunately for the stability of our institutions, the panics which 'frighten cities from their propriety,' do not sweep with the same desolating force over the scattered dwellings of the country.

"In September, 1833, the President, indignant at the open defiance of law by the Bank of the United States, and the unblushing corruption which it practiced, determined upon the bold and salutary measure of the removal of the deposits, which was effected in the following month. The act produced much excitement throughout the country, and it was foreseen that a great and doubtful conflict was about to ensue. At such a crisis it became

important to have at the head of the Committee of Ways and Means a man of courage to meet, and firmness to sustain, the formidable shock. Such a man was found in Mr. Polk, and he proved himself equal to the occasion. Congress met, and the conflict proved even fiercer than had been anticipated. The cause of the Bank was supported in the House by such men as Mr. McDuffie, Adams, and Binney, not to mention a host of other names. It is instructive to look back, in calmer times, to the reign of terror known as the Panic Session. The Bank, with the whole commerce of the country at its feet, alternately torturing and easing its miserable pensioners as they increased or relaxed their cries of financial agony; public meetings held in every city, with scarcely the intermission of a day, denouncing the President as a tyrant and the enemy of his country; deputations flocking from the towns to extort from him a reluctant submission; Whig orators traversing the country, and stimulating the passions of excited multitudes, without respect even to the sanctity of the Sabbath; inflammatory memorials poured into Congress from every quarter; the Senate almost decreeing itself into a state of permanent insurrection, and proclaiming that a revolution had already begun; all the business of legislation in both wings of the Capitol postponed to that of agitation and panic; an extrajudicial and branding sentence pronounced upon the Chief Magistrate of the Nation, in violation of usage and of the Constitution: these features present but a faint picture of the alarm and confusion which prevailed. Consternation had almost seized upon the Republican ranks, thinned by desertions and harassed by distracting doubts and fears. But the stern resolve of him whose iron arm guided the helm of State, conducted the perilous conflict to a successful issue. Nor should we forget the eminent services of the individual who presided over the Committee of Ways and Means. His coolness, promptitude,

and abundant resources were never at fault. His opening speech, in vindication of the President's measure, contains all the material facts and reasons on the Republican side of the question, enforced with much power, and illustrated by great research. To this speech almost every member of the opposition, who spoke upon the question, attempted to reply; but the arguments which its author brought forward to establish the power of the President under the Constitution, as elucidated by contemporaneous or early exposition, to do the act, which had been so boldly denounced as a high-handed and tyrannical usurpation, could neither be refuted nor weakened. Mr. McDuffie, the distinguished leader of the opposition in this eventful conflict, bore testimony in his concluding remarks to the 'boldness and manliness' with which Mr. Polk had assumed the only position which could be judiciously taken. The financial portion of his speech, and that in which he exposed the glaring misdeeds of the Bank, were no less efficient. When Mr. McDuffie had concluded the remarks to which we have alluded, a member from Virginia, after a few pertinent observations, demanded the previous question. A more intense excitement was never felt in Congress than at this thrilling moment. The two parties looked at each other for a space in sullen silence, like two armies on the eve of a deadly conflict. The motion of Mr. Mason prevailed, the debate was arrested, and the division proved a triumphant victory for the Republican cause. The Bank then gave up the contest in despair.

"The position of Chairman of the Committee of Ways and Means, at all times a most arduous and responsible one, was doubly so at this session, which will form an epoch in the political annals of the country. Mr. Polk occupied it for the first time. From its organization and the nature of its duties, this committee must be, at all times, the chief organ of every Administration in the

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House. At this session it was, for obvious reasons, peculiarly so. To attack it, then, was to strike at the Government; to embarrass its action was to thwart the course of the Administration. Extraordinary and indiscriminate opposition was, accordingly, made to all the appropriation bills. It was avowed in debate, that it was within the scope of legitimate opposition to withhold even the ordinary supplies until the deposits were restored to the Bank of the United States; that this restitution must be made or revolution ensue. The Bank must triumph, or the wheels of Government be arrested. The people should never forget the perils of a contest in which they were almost constrained to succumb. The recollection should warn them not to build up again a power in the State of such formidable faculties. The tactics which we have just described threw great additional labor upon the committee, and particularly upon its chairman. Fully apprised of the difficulties he had to encounter, he maintained his post with sleepless vigilance and untiring activity. He was always ready to give the House ample explanations upon every item, however minute, of the various appropriations. He was ever prompt to meet any objections which might be started."

In 1833, Tennessee again returned David Crockett to Congress, one of the most remarkable men who ever sat in the House of Representatives. He was instrumental in doing more, perhaps, than any man of his day in turning the acts, habits, and learning of Andrew Jackson to ridicule. He was one of the most determined enemies of Martin Van Buren, and was possessed of a vast fund of sarcastic wit which made him famous during his Congressional days. This it was, mainly, that kept him in public place, although he was endowed with much good sense,



which he used, with all his want of education, perhaps, more to the benefit than to the disadvantage of his country. Nor did his State disgrace herself by sending him to Congress. Few members of that body ever acquired a wider national reputation than did Davy Crockett, or one that may endure longer. Yet his was not one of great deeds nor wise legislative powers. He was one of the most notable representatives of the American backwoodsmen, a race nearly extinct, but which left in the history of the country a tinge of wild, rough uniqueness that few persons now could wish had never been. Poor Crockett was a brave, courageous, generous spirit. He was one of the first who went to the aid of the "Lone Star," and fell in the desperate conflict at the Alamo. In the State Library at Nashville there is an excellent portrait of this interesting character, probably the only true one extant, and the sight of which is worth a long journey.

During all these years Tennessee was represented in the Senate by Felix Grundy and Hugh Lawson White, two of the most able and upright public men of that day. In the winter of 1833, Mr. Polk took the lead among the supporters of the Administration in the House. He had made a rapid advance, and certainly stood high as an earnest and safe partisan, yet, after hearing one of his speeches, John Quincy Adams wrote of him: "He has no wit, no literature, no point of argument, no gracefulness of delivery, no elegance of language, no philosophy, no pathos, no felicitous impromptus; nothing that consti-

tutes an orator but confidence, fluency, and labor." In many respects this picture is true. Although Mr. Polk was not a very deeply or widely read man, yet no orator ever existed without the last three ingredients in Mr. Adams's schedule of qualities, and with these almost any man might become an orator. Polk had made himself as conspicuous as possible in opposition to the Administration of Mr. Adams, and this is what he got for it, at all events. The "Old Man Eloquent" was now in a position to strike, and the opportunity he did not always allow himself to lose.

On the second day of June, 1834, Andrew Stevenson resigned the Speakership of the House to become Minister to England, and the Democrats put forward as their candidate for his successor, James K. Polk. On the tenth ballot, however, he was defeated by the opposition candidate, John Bell, who filled the position until the organization of 1835. The contest for Congress this year was very exciting in Tennessee. The unanimity which had distinguished the Democratic party in that State was now, for a time, broken. In May, 1835, Mr. Van Buren was nominated for the Presidency. But Tennessee never liked Mr. Van Buren, and now was greatly divided as to the propriety of giving her support to the nominee of the party. The result was that she threw away her electoral vote on Judge H. L. White. Mr. Polk was always friendly with Judge White, and would have been glad to see him the favorite of the whole party, but as he saw no

chance for his election then, and as the will of the party throughout the Nation had been clearly expressed, and as his State had been favored by eight years of the Presidency, and as the qualities of Judge White were not so vastly superior as to justify him in going against the choice of the party, he took a position against White, as did Cave Johnson, Felix Grundy, and some others. Mr. Polk's most considerable rival at this time, and to the end of his life, was John Bell, who had, at the first, favored some of the measures of General Jackson, but had finally come fully into accord with the Whigs. In the "canvass" of 1836 he supported Mr. White, and what was called the "no party party." And, from the State campaign in 1835, Polk and Bell were unfriendly personally, as well as politically. The Whigs were mainly successful in 1835, electing not only their candidate for Governor, but also all their members of Congress, except in the cases of Cave Johnson and Mr. Polk. This campaign was attended with a great deal of bitterness, and still more widely separated Polk and Bell. The triumph for the former was especially flattering at this time, however, as his advocacy of Martin Van Buren was seriously to his disadvantage, although his course was undoubtedly wise and just in acquiescing in the action of the party as to the Presidency.

In one of his speeches at this time he said on this point:—

"If, at any time hereafter, the public sentiment in the Democratic-Republican States in whatever fair mode

ascertained or expressed, shall indicate him as the choice of the body, or of a majority of the Republican supporters of the present Administration, I will be found uniting with them in his support. But until such indication shall be given, I will wait and see upon whom the great body of our friends of the same political faith in other States do concentrate; and upon him, whomsoever he may be, in my opinion, all should unite."

In a speech in Nashville, at this time, he also said :—

Being unwilling to do any act which might tend to break up or disturb the integrity of this party (the Republican party, to which we belong), and with a sincere desire to avoid the state of things which now exists, and which I thought I foresaw was likely to be produced, I did not hesitate, during the past winter, to assume the position I now occupy. It is the position of principle. I am still acting upon my old principles, and with a vast majority of my old political friends; with whom I do now, and have ever agreed in opinion. I have not changed my position, or any political opinion, upon which I have ever acted. I have compromised no principle, nor can I act with those who have broken off and seceded from the body of the Republican party, and assumed a position which can not operate otherwise (though by many that effect, doubtless, is not intended) than in aid of the adversaries of our principles; who, being in a minority, are 'willing to destroy the landmarks of Republicanism;' who seek to efface the lines which have hitherto separated Federalists and Republicans, and to organize upon the ruins of the Republican party, by an unnatural amalgamation of political leaders of discordant principles and opinions, a new party called by whatever name, whether by that of the 'no party' party, or any other, when the necessary and inevitable consequences must be the destruction



of those principles we hold dear. If the object of this amalgamation and new organization be, as is sometimes professed, to put an end to the existence and asperity of party, it can not be attained; for of what avail is it, to break up and destroy one party (the Republican party) and erect upon its ruins another, the 'no party' party, which, judging from the indications we have seen from some of the leaders of this new party, is likely to be, in Tennessee at least, more intolerant than any other party which has ever existed among us."

In December, 1835, on the assembling of Congress, Polk was unanimously supported for Speaker of the House by the friends of the Administration, and was elected by one hundred and thirty-two votes against eighty-four for John Bell, the former Speaker. At the called session of Congress, September 4, 1837, the House was much more evenly divided, Mr. Polk receiving one hundred and sixteen, and John Bell one hundred and three votes for Speaker.

Of his service in this capacity one of his biographers says:—

"As the Speaker of the Twenty-fourth and Twenty-fifth Congress, Mr. Polk occupied the chair of the House during five sessions. It was his fortune to fill this distinguished position when party feelings were excited to an unusual degree. During the first session, more appeals were taken from his decisions than were ever before known; but he was uniformly sustained by the House, and frequently by the most prominent members of the opposition. He was courteous and affable toward all who approached him, and in his manner, as the presiding officer, dignity and urbanity were appropriately blended. In the appoint-



ment of committees, in awarding the floor, and in his decisions on questions of parliamentary law, he aimed to be strictly impartial; and if he at any time failed in this, it was because he could not entirely divest himself (and who is there that can?) of party feelings and prejudices. Amid the stormy scenes that attended the Abolition excitement in Congress, and the presentation of petitions connected in one shape or another with the slavery question, he was always cool and collected, and never disturbed from the calm serenity that characterized him. . . .

“Being perfectly familiar with the *lex parliamentaria*, he was ever prompt in his decisions. Questions of order might be multiplied, till the whole business of the House seemed to be in a state of irretrievable confusion; but he instantly unraveled the knot and restored order and harmony. Discord and strife might shake the pillars of the Capitol, but he quailed not from his duty. Whether frowns or smiles, favor or dislike, followed his decisions, he did not stop to inquire. He would not swerve a single hair’s-breadth from what he conceived to be right; and this he did, and to this he adhered, regardless of consequences personal to himself.”

At the close of the term in March, 1839, a long debate took place on a resolution or motion granting the thanks of the House to Mr. Polk, as its presiding officer for five consecutive sessions. This merely formal resolution was finally adopted by a vote of ninety-four against fifty-seven, and although few of the Whigs were willing to accord him that courtesy, yet some of them abstained from voting on the question, and altogether the result was exceedingly gratifying to the retiring Speaker. This was Mr. Polk’s last service in Congress, and, in taking

leave of the House, he made quite a long address, from which the following is an extract:—

“But five members who were here with me fourteen years ago continue to be members of this body. My service here has been constant and laborious. I can, perhaps, say what but few others, if any, can, that I have not failed to attend the daily sittings of this House a single day since. I have been a member of it, save on a single occasion, when prevented for a short time by indisposition. In my intercourse with the members of this body, when I occupied a place upon the floor, though occasionally engaged in debates upon interesting public questions, and of an exciting character, it is a source of unmingled gratification to me to recur to the fact, that on no occasion was there the slightest personal or unpleasant collision with any of its members. Maintaining, and at all times expressing, my own opinions firmly, the same right was fully conceded to others. For four years past the station I have occupied, and a sense of propriety in the divided and unusually exciting state of public opinion and feeling, which has existed both in this House and the country, have precluded me from participating in your debates. Other duties were assigned me.

“The high office of Speaker, to which it has been twice the pleasure of the House to elevate me, has been at all times one of labor and high responsibility. It has been made my duty to decide more questions of parliamentary law and order, many of them of a complex and difficult character, arising often in the midst of high excitement, in the course of our proceedings, than had been decided, it is believed, by all my predecessors, from the foundation of the Government. This House has uniformly sustained me, without distinction of the political parties of which it has been composed. I return them

my thanks for their constant support in the discharge of the duties I have had to perform.

“But, gentlemen, my acknowledgments are especially due to the majority of this House, for the high and flattering evidence they have given me, of their approbation of my conduct as the presiding officer of the House, by the resolution you have been pleased to pass. I regard it as of infinitely more value than if it had been the common matter-of-course and customary resolution, which, in the courtesy usually prevailing between the presiding officer and the members of any deliberative assembly, is always passed at the close of their deliberations. I regard this as the highest and most valued testimonial I have ever received from this House; because I know that the circumstances under which it has passed have made it matter of substance, and not of mere form. I shall bear it in grateful remembrance to the latest hour of my life.

“I trust this high office may in future times be filled, as doubtless it will be, by abler men. It can not, I know, be filled by any one who will devote himself with more zeal and untiring industry to do his whole duty than I have done.”

## CHAPTER IV.

MR. POLK AS GOVERNOR OF TENNESSEE—HIS DEFEATS—  
GREATER THINGS IN VIEW—THE CONVENTIONS—  
PLATFORM OF THE WHIGS—THE VICE-PRES-  
IDENCY AND THE PRESIDENCY.

IN the fall of 1838, Mr. Polk was nominated by the Democrats as their candidate for Governor, and before going to Washington had opened the "canvass." He now hastened home, and entered with great vigor upon the campaign. The circumstances were undoubtedly against him. The State government was in the hands of the Whigs, and Newton Cannon, then Governor, was his opponent. Cannon was a popular man, but he was by no means equal to Polk as a stump speaker. Knowing that he had this advantage Mr. Polk determined to make every possible use of it. He proposed to Governor Cannon to meet him in debate, but this Cannon declined, and appeared disposed to avoid him, as was natural enough. But Polk overtook him at Knoxville, and there and at several other places gave great impetus to his cause by his superior ability as a speaker. He traveled night and day, and visited all parts of the State. The party took the fire of the leader, and turned out to the contest with great spirit. Its full speech-making strength was brought

into requisition against the Whig orators. It was Polk's hardest combat, as its results, if unfavorable, might be of the greatest hindrance to his future prospects. But he reduced the former Whig majority 22,000 votes, and was elected by 2,669 majority.

Before leaving his home at Columbia for Nashville, in October, 1839, he prepared his inaugural. This work he did with great care, with the purpose of putting himself on record for the future. In this design he was not only successful, but his address also very materially set forward his reputation in and out of the State. In it he mainly discussed national questions, clearly stating his views as to the return of the "deposits" by the States to the Government, "State Rights," national banks, tariff, internal improvements, slavery and abolitionism, powers of Congress, freedom of speech, and other subjects, and pledged himself to favor a system of State internal improvements, and to advance general education. In the presence of General Jackson and a large assemblage of people in the Presbyterian Church at Nashville, on the 14th of October, 1839, Mr. Polk took the oath of office, and delivered this address :—

### GOVERNOR'S ADDRESS.

GENTLEMEN OF THE SENATE, OF THE HOUSE OF REPRESENTATIVES, AND  
FELLOW-CITIZENS :—

Deeply impressed with a sense of gratitude to my fellow-citizens for the confidence they have reposed in me by elevating me to the Chief Executive Office in the State, and duly sensible of the weight of responsibility



which will devolve upon me, I enter upon the discharge of its duties firmly relying upon the co-operation of the co-ordinate departments of the State government in all such measures of public policy as may be calculated to maintain the high character of the State, and to advance and promote the interests, the happiness, and prosperity of the people.

A proper respect for public opinion, as well as a compliance with public expectation, seem to require that I should, upon this occasion, publicly declare the leading principles which I shall deem it proper to be observed in the conduct of the State administration, so far as the action of the Executive branch may be concerned.

Under our happy system of government the ultimate and supreme sovereignty rests in the people. The powers of government delegated by the people to their public functionaries are, by our Constitution, divided between the Federal and State authorities. The State governments are not, as has been erroneously supposed by some, subordinate to the Federal Government. "They are co-ordinate departments of one simple and integral whole." The States have parted with certain enumerated and specified powers, and, by the Constitution of the United States, these are delegated to the Federal Government, and can only be rightfully exercised by that Government. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." By the partition of powers thus distinctly defined, it is manifest that each government possesses powers which are withheld from the other. And so long as each acts within its legitimate and proper sphere, the system works harmoniously, and affords to the citizen a greater amount of security for life, liberty, and property, and in the pursuit of happiness, than is to be found under any other government which has ever existed. When either overleaps the true boundary

prescribed for its action, and usurps the exercise of powers properly belonging to the other, the harmony of the system is disturbed, and agitating collisions arise which are calculated to weaken the bonds of union. Whilst, therefore, the States should be jealous of every encroachment of the Federal Government on *their* rights, they should be careful to confine themselves in their own action to the exercise of powers clearly reserved to them.

It will, I do not doubt, be the patriotic desire of my constituents, as I know it will be mine, in the discharge of the functions to which I am called, that "the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwark against anti-republican tendencies," and that the "preservation of the General Government in its whole Constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad," shall be scrupulously observed and inviolably maintained.

In ascertaining the true line of separation between the powers of the General Government and of the States, much difficulty has often been experienced in the operations of our system. The powers delegated to the General Government are either express or implied. The general rule of construction laid down by the General Assembly of Virginia in 1799, may be regarded as a sound one by which to determine whether a given power has been delegated to that Government, or is reserved to the United States. That rule is, "Whenever a question arises concerning the constitutionality of a particular power, the first question is, whether the power be *expressed* in the Constitution? If it be, the question is decided. If it be not *expressed*, the next question must be, whether it is properly an *incident* to an expressed power, and *necessary* to its execution? If it be, it may be exercised by Congress. If it be not, Congress can not exercise it." If the

power be not *expressed*, it is not enough that it may be *convenient* or *expedient* to exercise it, for such a construction of the Constitution of the United States would refer its exercise to the unlimited and unrestrained discretion of Congress, to determine what would be *convenient* or *expedient*; thereby making the exercise of important powers, by the General Government, to depend upon the varying discretion of successive Congresses. It must be a "*necessary and proper*" power. It must be an *incident* to an *express* power, "*necessary and proper*" to carry that express power into effect, and, without which, it could not be exercised, and would be nugatory.

Mr. Jefferson, whose sound expositions of the relative powers of the Federal and State Governments but few of my constituents will be prepared at this day to question, near the close of a long and eventful life of public usefulness, declared "to be most false and unfounded, the doctrine that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, has given them thereby a power to do whatever *they* may think, or pretend, would promote the general welfare, which construction would make that, of itself, a complete government, without limitation of powers; but, that the plain sense and obvious meaning were, that they might levy the taxes necessary to provide for the general welfare, by the various acts of power therein specified and delegated to them, and by no others."

In all cases of well-founded Constitutional doubt, it is safest and wisest for all the functionaries of Government, both State and Federal, to abstain from the exercise of the doubtful power. In all such cases, it is both safest and wisest to appeal to the people, the only true source of power in the Constitutional forms, by an amendment of the fundamental law, to remove such doubt, either by an

enlargement or a restriction of the doubtful power in question.

The Federal Government has at different times assumed, or attempted to exercise powers, which, in my judgment, have not been conferred upon that Government by the compact. Among these, I am free to declare my solemn conviction that the Federal Government possesses no Constitutional power to incorporate a National Bank. The advocates of a bank insist that it would be *convenient and expedient*, and that it would promote the "general welfare;" but they have, in my judgment, failed to show that the power to create it is either *expressly* granted, or that it is an *incident* to any *express* power, that is "*necessary and proper*" to carry that power into effect. The alarming dangers of the power of such a corporation (vast and irresponsible as experience has shown it to be) to the public liberty, it does not fall within the scope of my present purpose fully to examine. We have seen the power of associated wealth in the late Bank of the United States, wrestling with a giant's strength with the Government itself; and, although finally overthrown, it was not until after a long and doubtful contest. During the struggle, it manifested a power for mischief which it would be dangerous to permit to exist in a free country. The panic and alarm, the distress and extensive suffering, which, in its convulsive struggle to perpetuate its power, it inflicted on the country, will not soon be forgotten. Its notorious alliance with leading politicians, and its open interference by means of the corrupting power of money in the political contests of the times, had converted it into a political engine, used to control elections and the course of public affairs. No restraints of law could prevent any similar institution from being the willing instrument used for similar purposes. The State of Tennessee, through her Legislature, has repeatedly declared her settled opinions against the existence of such an institution,



and at no time in its favor. She has instructed her Senators, and requested her Representatives in Congress, to vote against the establishment of such an institution. In these opinions, heretofore expressed by the State, I entirely concur.

Of the same character is the power which at some time has been attempted to be exercised by the Federal Government, of first collecting by taxation on the people a surplus revenue beyond the wants of that Government, and then distributing such surplus, in the shape of donations, among the States; a power which has not been conferred on that Government by any express grant, nor is it an incident to any express power, "necessary and proper" for its execution. To concede such a power would be to make the Federal Government the tax-gatherer of the States, and accustom them to look to that source from which to supply the State treasuries, and to defray the expenses of the State governments. It is clear that this constituted no one of the objects of the creation of the Federal Government; and to permit its exercise would be to reduce the States to the degraded condition of subordinate dependencies upon that Government, to destroy their separate and independent sovereignty, and to make the Government of the Union, in effect, a consolidation. The power to make provision for the support of its own Government, by the levy of the necessary taxes upon its own citizens, and the adoption of such measures of policy for its internal government not inconsistent with the Federal Constitution, as may be deemed proper and expedient, "remains to each State among its domestic and unalienated powers exercisable within itself and by its domestic authorities alone."

A surplus Federal revenue, raised by means of a tariff of duties, must necessarily be collected in unequal proportions from the people of the respective States. The planting and producing States must bear the larger portion



of the burden. It was this inequality which has heretofore given rise to the just complaints of these States, as also of the commercial interests, against the operations of a high and protective tariff. If the proceeds of the sales of the public lands be set apart for distribution among the States, as has been sometimes proposed, the operation and effect would be the same; for by abstracting from the Federal Treasury the proceeds of the sales of the public lands, a necessity is thereby created for an increased tariff to the amount thus abstracted. To collect a surplus revenue by unequal taxation, and then to return to the people, by a distribution among the States their own money, in sums diminished by the amount of the cost of collection and distribution, aside from its manifest injustice, is a power which it could never have been intended to confer on the Federal Government.

When, from the unforeseen operation of the revenue laws of the United States, a surplus at any time exists, or is likely to exist, in the Federal Treasury, the true remedy is, to reduce or to repeal the taxes so as to collect no more money than shall be absolutely necessary for the economical wants of that Government, and thus leave what would otherwise be surplus uncollected in the pockets of the people. The Act of Congress of 1836, by which a large amount of the surplus on hand was distributed among the States is, upon its face, a *deposit*, and not a *donation* of the sums distributed. The States have become the debtors to the Federal Government for their respective proportions, and are subject to be called upon to refund it. Had the act provided for an absolute *donation* to the States, so palpable an infraction of the Constitution, it is scarcely possible to conceive, could have been sanctioned. By making it assume the form of a mere *deposit* of the money of the United States in the State treasuries for safe-keeping until needed for public purposes, it became the law. Though it may not be probable that

the sums distributed on deposit will be called for at an early period, if, indeed, they will ever be, unless in cases of exigencies growing out of a foreign war, yet the States should be at all times prepared to meet the call when made; and it will be unsafe for them to rely upon the sums they have received as a permanent fund. They should rather look to their own credit and resources in the accomplishment of their purposes.

It becomes the duty of all the States, and especially of those whose constitutions recognize the existence of domestic slavery, to look with watchfulness to the attempts which have been recently made to disturb the rights secured to them by the Constitution of the United States. The agitation of the Abolitionists can, by no possibility, produce good to any portion of the Union, and must, if persisted in, lead to incalculable mischief. The institution of domestic slavery, as it existed at the adoption of the Constitution of the United States, and as it still exists in some of the States, formed the subject of one of the compromises of opinion and of interest, upon the settlement of which all the old States became parties to the compact and agreed to enter the Union. The new States were admitted into the Union upon an equal footing with the old States, and are equally bound by the terms of the compact. Any attempt on the part of the Federal Government to act upon the subject of slavery, as it exists within the States, would be a clear infraction of the Constitution; and to disturb it within the District of Columbia, would be a palpable violation of the public faith, as well as of the clear meaning and obvious intention of the framers of the Constitution. They intended to leave, and they did, in fact, leave, the subject to the exclusive regulation and action of the States and Territories within which slavery existed or might exist. They intended to place, and they did, in fact, place it, beyond the pale of action within the Constitutional power of the Federal

Government. No power has been conferred upon the Federal Government, either by express grant or necessary implication, to take cognizance of, or in any manner or to any extent to interfere with, or to act upon the subject of domestic slavery, the existence of which in many of the States is expressly recognized by the Constitution of the United States.

Whether the agitation we have recently witnessed upon this delicate and disturbing subject has proceeded from a mistaken philanthropy, as may have been the case with a few misguided persons; or whether there is, I regret to say, but too much reason to fear, from a desire on the part of many persons who manifest by their conduct a reckless disregard of the harmony of the Union and of the public good, to convert it into a political engine, with a view to control elections, its progress should be firmly resisted by all the Constitutional means within the power of the State. The most casual observer of passing events can not fail to have seen that modern Abolitionism, with rare and few exceptions among its advocates, has become, to a great extent, purely a political question. That many of the leading Abolitionists are active political partisans, fully identified with, and constituting no inconsiderable part of, one of the political parties of the country, can no longer admit of doubt. They address themselves to the prepossessions and prejudices of the community in which they live, against slavery in the abstract, and, availing themselves of these prepossessions and prejudices, are struggling to control political events. All the lovers of the Union of the States, and all patriotic citizens, whether of the slaveholding or non-slaveholding States, who are ardently attached to our free institutions, must view with indignant reprobation the use made of such an unholy agitation with such objects. The attempts made to introduce it for discussion into the Federal Legislature have been met in the proper spirit, not only by Southern

Representatives, but by a large portion of the Northern delegation in Congress. It is fortunate for the country that, in the midst of this agitation, there is at the head of the Federal Government a Chief Magistrate who, in the patriotic discharge of his high duties, has placed the seal of his unqualified condemnation upon any attempted action by Congress upon the subject of slavery in any manner, or to any extent, whether existing within the States or within the District of Columbia. That he deserves and will receive the support of the States and of the people, in every portion of the Union, in maintaining his uncompromising and publicly declared determination to preserve inviolate the compromises of the Federal Constitution and the reserved rights of the slaveholding States on this subject, can not be doubted.

In regard to other powers which, at different times, the Federal Government has assumed, or attempted to exercise, the same reasoning may be applied. Among these may be enumerated the power assumed to construct works of internal improvements within the States, by means of appropriations drawn from the National Treasury; the power of "abridging the freedom of speech," secured by the Constitution to every citizen, by enacting laws to suppress alleged sedition, or the more recent attempts to enact them under the more plausible pretense of "securing the freedom of elections."

I shall most cheerfully co-operate with the Legislative and Judicial Departments of the State Government, by all the Constitutional and legal means within the competency of the Executive, in their efforts to confine the action of the State within proper limits, and to resist the encroachments of the Federal Government upon her reserved rights of sovereignty.

I shall as cheerfully co-operate with them in all such measures as shall be calculated to insure economy in the expenditures of the State Government, strict account-



ability on the part of public officers, the promotion of virtue, the suppression of crime, and the development of the wealth, the resources, and the energies of the State.

The revised constitution under which we are acting has infused into the administration of the State government more of the Democratic principle of immediate and direct agency by the people than existed under the former constitution. Instead of delegating, as the old constitution did, the power of appointing many important ministerial and municipal officers to the judicial tribunals and other appointing agents, the people are now their own agents, and make the appointments by popular elections. The higher judicial functionaries hold their offices by a tenure restricted to a term of years, and not, as formerly by the tenure for life. These are important changes in the fundamental law of the State. In practice they have, thus far, produced no inconvenience, but have worked well.

In the administration of the State government I regard it fortunate that there are but few subjects of internal policy upon which there exists much diversity of opinion. The encouragement of a "well-regulated system of internal improvement," and the promotion of "knowledge, learning, and virtue," as "being essential to the preservation of republican institutions," are duties imposed by the constitution of the State upon her public functionaries, which they are not at liberty to disregard. Under the deep conviction that these are subjects of general and pervading interest to the whole people of the State, I shall regard it to be my duty to lend my aid in executing the injunctions of the constitution in a liberal spirit. No objects are, in my judgment, more worthy of the public patronage and support.

The preservation of public credit, and of a sound currency in the State, will undoubtedly be among our highest duties. It is a prevailing error to suppose that a multiplication of banks, and an excessive issue of paper



circulation, can advance the public prosperity, or afford any permanent relief to the community in which they exist. Instead of a blessing, excessive banking generally proves to be a curse. The bloated state of apparent prosperity which they temporarily excite, our experience has shown, has invariably been followed by derangement of the money market, depreciation of the currency, and, finally, by severe pressure and suffering inflicted on the people. To prevent the recurrence of such a state of things, it will be my desire, by all the constitutional and legal restrictions which can be thrown around them, to see that the banks which may exist in the State shall be based upon a solid foundation, and confine their operations within their reasonable means to meet their responsibilities promptly. I will, at an early day, avail myself of an appropriate occasion to make to the General Assembly of the State, now in session, a communication touching subjects which may seem to require legislative action at their present session.

It will be my duty, under the constitution of the State, to "take care that the laws be faithfully executed." The Executive is vested with no legislative discretion or power. The laws which the General Assembly shall pass it is made his duty to execute, even though he may differ in opinion with that branch of the State government in regard to their wisdom or policy. This duty I shall faithfully perform.

Relying confidently upon the support of my fellow-citizens, and invoking the aid and guidance of the Supreme Ruler of the Universe, in whose hands are the destinies of government and of men, I enter upon the discharge of the high duties which have been assigned me by the people.

Although this inaugural was severely criticised by the opposition papers, and called demagogical

humbuggery, it was generally received well, and by the party was regarded as a wise and able production. It was taken as the immediate basis for another step. There is no doubt that the friends of Mr. Polk, at home, now began to think of him in connection with the Presidency. A short time after he became Governor, Mr. Laughlin, in the State Senate, introduced a resolution, which he supported by a long speech, nominating Van Buren for re-election and James K. Polk for Vice-President. The resolution was adopted, and Mr. Polk recommended to the people of the United States for the Vice-Presidency. He had already been formally nominated for that office in some outside meetings. But the Whigs treated the whole matter as a farce, as it really was. However Georgia, and, perhaps, one or two other States, took some favorable notice of this movement.

The duties of governor were very few, and his authority quite limited in Tennessee at that time, being mainly confined to recommendations to the Legislature, and the execution of a few of its provisions. In his two messages to that body, one in the fall of 1839, and one just before retiring from the office in 1841, Governor Polk recommended a "judicious system" of public improvements, and the passage of a law to prevent betting on elections, as corrupting and against the public welfare; also the establishment of a board of public works. His course as Governor was generally satisfactory to the people of the State, and with his own party his reputation had been materially advanced.

Tennessee has never had a governor's residence, and during Mr. Polk's term of office he lived in a rented house. Nashville was then, as now, the seat of culture and fashion in the State, and although Governor Polk took no great interest in society affairs, he was pleased with the inclination Mrs. Polk exhibited in that direction. Her life in Washington for fourteen years, as wife of a "member," gave her peculiar advantages, and the wife of Governor Polk, perhaps, enjoyed the reputation of standing at the head of the long list of the wives of the Governors of Tennessee.

In the summer of 1841, Mr. Polk was again the candidate of his party for Governor. But, in 1840, "Old Tippecanoe and Tyler, too," had swept Tennessee by over twelve thousand majority, and the prospects of defeat were certain for Mr. Polk. The Whig candidate was James C. Jones, a very popular man throughout the State, and an attractive "stump" speaker. Although it is found quite generally expressed that these "canvasses" were conducted with great good humor, and much genuine cordiality on the part of the candidates, it is certain that Mr. Polk regarded his opponent as a shallow, unprincipled, and unscrupulous partisan. However, Mr. Jones was successful, although the Whig majority for General Harrison was reduced to 3,224 votes.

In October, 1841, Mr. Polk's term of office expired, and, after spending a short time on his plantation in Mississippi, he returned to Columbia and resumed the practice of the law.

In 1843, Mr. Polk again made the race for the governorship, but was defeated by Governor Jones, by about the same majority as before. Perhaps his adherence to and support of Van Buren had no little share in his defeat in these two elections. In spite of General Jackson's dictum the "Little Magician" of Kinderhook never stood well in Tennessee. Although that State would do any work and go to any extreme for Jackson himself, it never put the utmost confidence in his peculiar attachments and friendships. A strange, wild, little, self-laudatory preacher, whose life seemed to be a kind of repulsive extravaganza, and who was placed by Military Governor Andrew Johnson on the inside of the walls of the penitentiary so that his tongue might not injure him and his country, told me that the people of Tennessee, men and women, worshiped Andrew Jackson, and that if the preachers did not send him to Heaven they did not do their duty. "Aunt Hannah Jackson," a very old negro, who had nursed the old General in his last illness, and whom I regarded as much better authority, told me that it was her deep conviction that "old master" went straight to Heaven without any man's interference. However this all may be, and disgusting as it would be to think of a fair and intelligent people deifying any human being, one thing is certain that, politically, General Jackson's authority became quite nominal in Tennessee in 1840, when his greatest enemy, "Harry of the West," carried the laurels from Nashville in great triumph, when the old hero could



do little more than show his teeth and bark a little from the "Hermitage."

Although Tennessee had, in the fall of 1839, earnestly recommended Mr. Polk for the Vice-Presidency, and Georgia had seconded this movement, the party did not act on the recommendation, and Mr. Polk was not considered in the race of 1840, except that Virginia cast for him one of her twenty-three electoral votes for Vice-President. Mr. Polk, now actively engaged in his profession at Columbia, was awaiting the progress of events. His friends in Tennessee believed the Vice-Presidency in his reach, and hoped his elevation to the higher office would follow. In this belief he shared. But a remarkable process of political intrigue and ambitious personal scheming was destined, without his interference, to lift him suddenly beyond his immediate expectations. After the death of President Harrison it was early decided by the Whigs that their candidate for the Presidency in 1844 should be Henry Clay. There was no doubt about this. The question was not considered. No other name was thought of, and if it had been, it would have met no kind of toleration. It was Henry Clay first and last, and all the time, and everywhere, with the Whigs. In the spring of 1842, North Carolina took the lead in formally nominating him, and other States followed in quick succession. There was no use of waiting. Mr. Clay, the great Whig leader, had been thrown out for expediency, for availability in 1840, and no good had come to the Whigs from it, and now there



was a wild rush to do him justice, to do themselves justice. A Whig National Convention this time would be as much a Vice-Presidential convention as was the Jackson convention of 1832.

But the case was quite different with the Democrats. They were by no means decided as to their candidate. It was quite generally understood, to all appearances, that Mr. Van Buren was to have the nomination of his party; and how it came about that he did not receive it has been shown in another part of this work. Circumstances had again thrown Mr. Calhoun in a position to bring him more favorably before the country, and he now felt that another opportunity was about to open for the fulfillment of his long-cherished desire to become President of the United States. To this end a movement was started in 1842. The Democratic managers early decided that the great issue of the campaign would be the question of annexing Texas. They made this the great objective point in every step. Through it they hoped, by skillful manipulation, to get rid of Martin Van Buren. Mr. Calhoun was the most determined advocate of this measure in the country, and his friends eagerly grasped the occasion now presented to attempt to carry him into the Executive Chair. In the winter of 1842, Thomas W. Gilmer published a skillfully written letter in a Baltimore newspaper, urging the people of the United States to demand the immediate annexation of Texas, and giving, as the main reason, the statement that England was about to seize Texas, or had the design of

establishing her authority on the south-western border for the purpose of aiding in the abolition of slavery, and for other hostile intentions against the United States. Gilmer had led the nullification movement in Virginia, and was the advocate of Mr. Calhoun, and now, no doubt, he was simply the instrument of Mr. Calhoun in building a great political force on what seemed to most men, at first sight, as the mere fiction of British interference by way of Texas in the affairs of this country. This letter very much startled the country, and soon operated, precisely as its authors had desired, in favoring annexation. The next step was quietly to get Jackson, Thomas H. Benton, and other leaders fully committed to this scheme. Mr. Benton opposed it, at the outset, with great vehemence, and said, "that it was, on the part of some, an intrigue for the Presidency and a plot to dissolve the Union; on the part of others, a Texas scrip and land speculation." Aaron Vail Brown managed to draw from General Jackson his famous Texas annexation letter, fully indorsing the Gilmer letter, before the old man was aware of the trick, and the effect it would have upon his favorite, Mr. Van Buren. It was the original design to withhold Jackson's reply until the meeting of the Democratic nominating convention, then bring it in to defeat Van Buren and nominate Calhoun. Both of these, and, of course, Mr. Clay, were to be required to give their written opinions on the Texas question to the country; and the convention, seeing Mr. Calhoun's to correspond exactly with that of

General Jackson, would favor his nomination. The scheme of manufacturing evidence of British intentions was then undertaken, and every possible means used to bring the party into favor with the plan of immediate annexation, and also to break up the prevalent opinion that Mr. Van Buren should be the nominee of the Democracy. A committee at Washington worked secretly, night and day, for this purpose, sending circulars and letters throughout the country. But they were discovered, and some Congressmen from Ohio and other States published a statement that the whole business was designed to defeat the will of the people; and, notwithstanding the scandalous efforts put forth by these men engaged in the Texas scheme, the popular sentiment still remained in favor of the nomination of Mr. Van Buren, and a majority of the delegates to the convention were instructed to vote for him. In the letters drawn from Clay, Van Buren, Cass, Johnson, and others on the subject, all were in favor of immediate annexation, except Clay and Van Buren. Mr. Van Buren fully understood the design to ruin him before the convention, but he shrank not from the courageous and manly announcement that he was opposed to the annexation without the consent of Mexico, and in a way to throw this country into a war with Mexico. Mr. Clay was also opposed to the annexation without consulting the wishes of Mexico. But this whole villainous business was to have its last exciting scene in the nominating convention.

Although Mr. Polk was only a candidate for the

Vice-Presidency, and the general feeling of the party was, perhaps, in favor of R. M. Johnson for that office, an anti-annexation meeting at Cincinnati authorized a letter to be addressed to him on the subject, and to this he replied in the following manner :—

“COLUMBIA, TENNESSEE, April 22, 1844.

“GENTLEMEN,—Your letter of the 30th ult., which you have done me the honor to address to me, reached my residence during my absence from home, and was not received until yesterday. Accompanying your letter you transmit to me, as you state, ‘a copy of the proceedings of a very large meeting of the citizens of Cincinnati, assembled on the 29th ult., to express their settled opposition to the annexation of Texas to the United States.’ You request from me an explicit expression of opinion upon this question of annexation. Having at no time entertained opinions upon public subjects which I was unwilling to avow, it gives me pleasure to comply with the request.

“I have no hesitation in declaring that I am in favor of the *immediate re-annexation* of Texas to the territory and Government of the United States. I entertain no doubts as to the power or expediency of the re-annexation. The proof is fair and satisfactory to my own mind, that Texas once constituted a part of the territory of the United States, the title to which I regard to have been indisputable as that to any portion of our territory. At the time the negotiation was opened with a view to acquire the Floridas, and the settlement of other questions, and pending that negotiation, the Spanish Government itself was satisfied of the validity of our title, and was ready to recognize a line far west of the Sabine as the true western boundary of Louisiana, as defined by the treaty of 1803 with France, under which Louisiana was acquired. This



negotiation, which had at first opened at Madrid, was broken off and transferred to Washington, where it was resumed, and resulted in the treaty with Florida, by which the Sabine was fixed on as the western boundary of Louisiana. From the ratification of the treaty of 1803 with France, until the treaty of 1819 with Spain, the territory now constituting the Republic of Texas belonged to the United States. In 1819 the Florida treaty was concluded at Washington by Mr. John Q. Adams (the Secretary of State), on the part of the United States, and Don Luis de Onís on the part of Spain; and by that treaty this territory lying west of the Sabine, and constituting Texas, was ceded by the United States to Spain. The Rio del Norte, or some more western boundary than the Sabine, could have been obtained, had it been insisted on by the American Secretary of State, and by increasing the consideration paid for the Floridas. In my judgment, the country west of the Sabine, and now called Texas, was most unwisely ceded away. It is a part of the great valley of the Mississippi, directly connected by its navigable waters with the Mississippi River; and having once been a part of our Union, it should never have been dismembered from it. The government and people of Texas, it is understood, not only give their consent, but are anxiously desirous to be reunited to the United States. If the application of Texas for a reunion and admission into our confederacy shall be rejected by the United States, there is imminent danger that she will become a dependency, if not a colony, of Great Britain, an event which no American patriot, anxious for the safety and prosperity of this country, could permit to occur without the most strenuous resistance. Let Texas be re-annexed, and the authority and laws of the United States be established and maintained within her limits, as also in the Oregon Territory, and let the fixed policy of our Government be, not to permit Great Britain or any other foreign power to



plant a colony or hold dominion over any portion of the people or territory of either.

"These are my opinions; and without deeming it necessary to extend this letter, by assigning the many reasons which influence me in the conclusions to which I come, I regret to be compelled to differ so widely from the views expressed by yourselves and the meeting of citizens of Cincinnati whom you represent. Differing, however, with you and with them as I do, it was due to frankness that I should be thus explicit in the declaration of my opinions.

"I am, with great respect, your obedient servant,

"JAMES K. POLK.

"To Messrs. S. P. CHASE, THOMAS HEATON, etc., Committee, Cincinnati."

Mr. Polk had taken up, unsuspectingly, with the untruthful scheme as to the intentions of Great Britain. Although John Quincy Adams had regarded the final treaty with Spain, in 1819, with some personal pride as mainly attributable to himself, he had only submitted to the eastern border of Texas, and relinquished that territory by the necessities of his position in the Cabinet. Under his own Administration an effort had been made to have the Rio Grande recognized as the western boundary on the southwest. Jackson had also continued this effort. Mr. Calhoun had consented to this concession to Spain in 1819, and even General Jackson had sanctioned it, although he afterwards lost sight of the fact that he had done so.

The Whig National Convention, with delegates from all of the States, met at Baltimore on the first day of May, 1844. The work was short and unani-

mous. Mr. Clay was nominated by acclamation, without a ballot, as the candidate for the Presidency. On the third ballot Theodore Frelinghuysen, then of New York, was nominated for the Vice-Presidency. Ambrose Spencer, of New York, was chairman of this convention. The following brief statement of principles was unanimously set forth by the convention:—

*“Resolved, That in presenting to the country the names of Henry Clay for President, and Theodore Frelinghuysen for Vice-President, the convention is actuated by the conviction that all the great principles of the Whig party, principles inseparable from the public honor and prosperity, will be maintained and advanced by the election of these candidates.*

*“Resolved, That these principles may be summed as comprising a well-regulated national currency; a tariff for revenue to defray the necessary expenses of the Government, and discriminating with special reference to the protection of the domestic labor of the country; the distribution of the proceeds from the sales of the public lands; a single term for the Presidency; a reform of Executive usurpations; and generally such an administration of the affairs of the country as shall impart to every branch of the public service the greatest practical efficiency, controlled by a well-regulated and wise economy.”*

On the 30th of August, 1843, the Liberty Party, or Abolitionists, had held a convention at Buffalo and nominated a Presidential ticket, consisting of James G. Birney, then of Michigan, for the Presidency, and Thomas Morris, of Ohio, for the Vice-Presidency.

On the 27th of May, 1844, the Democrats met in National Convention at Baltimore, and Hendricks R. Wright, of Pennsylvania, was chosen to preside. This proved to be a very inharmonious and turbulent convention, and lasted three days, giving to the country a result totally unexpected by friends and foes.

After a severe struggle the two-thirds rule was again adopted by a vote of one hundred and forty-eight to one hundred and sixteen, the friends of Mr. Van Buren fighting desperately against it. The adoption of this rule sealed the fate of Mr. Van Buren, according to the desire of his enemies in the convention. Lewis Cass, Richard M. Johnson, James Buchanan, John C. Calhoun, and Levi Woodbury were the prominent candidates introduced in opposition to Mr. Van Buren at the outset. The following is the course of the balloting:—

“The first ballot resulted in the following vote: Van Buren, 146; Cass, 83; Johnson, 24; Buchanan, 4; Woodbury, 2; Stuart 1; Calhoun, 6.

“The second ballot: Van Buren, 127; Cass, 94; Johnson, 33; Buchanan, 9; Stuart, 1; Calhoun 1.

“Third ballot: Van Buren, 121; Cass, 92; Johnson, 33; Buchanan, 11; Woodbury, 2; Calhoun, 2.

“Fourth ballot: Van Buren, 111; Cass, 105; Johnson, 32; Buchanan, 17; Calhoun, 1.

“Fifth ballot: Van Buren, 103; Cass, 107; Johnson, 29; Buchanan, 26.

“Sixth ballot: Van Buren, 101; Cass, 116; Johnson, 23; Buchanan, 25; Calhoun, 1.

“Seventh ballot: Van Buren, 99; Cass, 123; Johnson, 21; Buchanan, 22; Calhoun, 1.

"The excitement now became intense, and disorder and confusion prevailed.

"An effort was now made to establish the majority rule, but failed; 118 voting for, and 148 against.

"On Wednesday the Convention again met.

"Eighth ballot: Van Buren, 104; Cass, 114; Buchanan, 2; Polk, 44; Calhoun, 2.

"Ninth ballot: Polk, whole number of votes, 266.

"Mr. Wright was nominated for the Vice-Presidency, but declined accepting the nomination, and, on Thursday, the Convention proceeded to elect another candidate.

"First ballot: Fairfield, 87; Woodbury, 56; Cass, 29; Johnson, 26; Stewart, 23; Dallas, 13; Marey, 5.

"Second ballot: Dallas, 220; Fairfield, 30; Woodbury, 6."

Mr. Benton has given so graphic a description of this Convention from his lofty anti-annexation Democratic point of view, that its reproduction here can not be without interest. He says:—

"The Convention met, a motley assemblage, called Democratic, many self-appointed, or appointed upon management or solicitation, many alternative substitutes, many members of Congress, in violation of the principle which condemned the Congress Presidential caucuses in 1824, some nullifiers, and an immense outside concourse. Texas land and scrip speculators were largely in it, and more largely on the outside. A considerable number were in favor of no particular candidate, but in pursuit of office for themselves; inflexible against any one from whom they thought they would not get it, and ready to go for any one from whom they thought they could. Almost all were under instructions for Mr. Van Buren, and could not have been appointed where such instructions were given, except in the belief that they would be obeyed.



The business of undoing instructions had been attended with but poor success, in no instance having been done by the instructing body or its equivalent. Two hundred and sixty-six delegates were present, South Carolina absent; and it was immediately seen that, after all the packing and intriguing, the majority was still for Mr. Van Buren. It was seen that he would be nominated on the first ballot if the majority was to govern. To prevent that a movement was necessary, and was made. In the morning of the first day, before the verification of the authority of the delegates, before organization, before prayers, and with only a temporary chairman, a motion was made to adopt the two-thirds rule, that is to say, the rule which required a concurrence of two-thirds to affect a nomination. That rule had been used in the two previous nominating conventions, not to thwart a majority, but to strengthen it; the argument being that the result would be the same, the Convention being nearly unanimous; that the two-thirds would be cumulative, and give more weight to the nomination. The precedent was claimed, though the reason had failed; and the effect might now be to defeat the majority instead of adding to its voice.

“Men of reflection and foresight objected to this rule when previously used, as being in violation of a fundamental principle, opening the door for the minority to rule, encouraging intrigue and combination, and leading to corrupt practices whenever there should be a design to defeat the popular will. These objections were urged in 1832 and 1836, and answered by the reply that the rule was only adopted by each convention for itself, and made no odds in the result; and now they were answered with ‘precedents.’ A strenuous contest took place over the adoption of this rule, all seeing that the fate of the nomination depended upon it. Mr. Romulus M. Saunders, of North Carolina, was its mover, Messrs. Robert J. Walker and Hopkins, of Virginia, its most active sup-



porters, and precedent the stress of their argument. Messrs. Morton, of Massachusetts, Clifford, of Maine, Dickinson and Butler, of New York, Medary, of Ohio, and Alexander Kayser, of Missouri, were its principal opponents; their arguments were those of principle, and the inapplicability of precedents founded on cases where the two-thirds vote did not defeat, but strengthened the majority.

“Mr. Morton, of Massachusetts, spoke the Democratic sentiment when he said: ‘He was in the habit of advancing his opinions in strong and plain language, and he hoped that no exception would be taken to any thing that he might say. He thought the majority principle was the true one of the Democratic party. The views which had been advanced on the other side of the question were mainly based upon precedent. He did not think that they properly applied here. We were in danger of relying too much upon precedent, let us go upon principle. He had endeavored, when at school, to understand the true principles of republicanism. He well recollected the nominations of Jefferson and others, and the majority principle had always ruled. In fact, it was recognized in all the different ramifications of society. The State, county, and township conventions were all governed by this rule.’

“Mr. Benjamin F. Butler, of New York, enforced the majority principle as the one which lay at the foundation of our Government, which prevailed at the adoption of every clause in the Declaration of Independence, every clause in the Constitution, all the legislation, and all the elections, both State and Federal; and he totally denied the applicability of the precedents cited. He then went on to expose the tricks of a caucus within a caucus, a sub and secret caucus, plotting and combining to betray their instructions through the instrumentality and under the cover of the two-thirds rule.

“The rule was adopted, and by the help of delegates

instructed to vote for Mr. Van Buren, and who took that method of betraying their trust while affecting to fulfill it. The body then organized and the balloting commenced, all the States present except South Carolina, who stood off, although she had come into it at the preceding convention, and cast her vote for Mr. Van Buren. Two hundred and sixty-six electoral votes were represented, of which one hundred and thirty-four would be the majority, and one hundred and seventy-seven the two-thirds. Mr. Van Buren received one hundred and fifty-one on the first ballot, gradually decreasing at each successive vote until the seventh, when it stood at ninety-nine; probably about the true number that remained faithful to their constituents and their pledges. Of those who fell off it was seen that they chiefly consisted of those professing friends who had supported the two-thirds rule, and who now got an excuse for their intended desertion and premeditated violation of instructions, in being able to allege the impossibility of electing the man to whom they were pledged.

“At this stage of the voting, a member from Ohio (Mr. Miller) moved a resolve, *that Mr. Van Buren, having received a majority of the votes on the first ballot, was duly nominated, and should be so declared.* This motion was an unexpected step, and put delegates under the necessity of voting direct on the majority principle, which lies at the foundation of all popular elections, and at the foundation of the Presidential election itself, as prescribed by the Constitution. That instrument only requires a majority of the electoral votes to make an election of President; this intriguing rule requires him to get two-thirds before he is competent to receive that majority. The motion raised a storm. It gave rise to a violent, disorderly, furious, and tumultuary discussion, a faint idea of which may be formed from some brief extracts from the speeches.

“Mr. Brewster, of Pennsylvania: ‘They (the delegation

from this State) had then been solemnly instructed to vote for Martin Van Buren first, and to remain firm to that vote as long as there was any hope of his success. He had been asked by gentlemen of the Convention why the delegation of Pennsylvania were so divided in their vote. He would answer that it was because some gentlemen of the delegation did not think proper to abide by the solemn instructions given them, but rather chose to violate those instructions. Pennsylvania had come there to vote for Martin Van Buren, and she would not desert him until New York had abandoned him. The delegation had entered into a solemn pledge to do so; and he warned gentlemen that if they persisted in violating that pledge, they would be held to a strict account by their constituency, before whom, on their return home, they would have to hang their heads with shame. Sorry would he be to see them return after having violated their pledge.'

"Mr. Hickman, of Pennsylvania: 'He charged that the delegation from the "Keystone State" had violated the solemn pledge taken before they were entitled to seats on the floor. He asserted on the floor of this Convention, and would assert it everywhere, that the delegation from Pennsylvania came to the Convention instructed to vote for, and to use every means to obtain the nomination of Martin Van Buren for President, and Richard M. Johnson for Vice-President; and yet a portion of the delegation, among whom was his colleague who had just preceded him, had voted against the very proposition upon which the fate of Martin Van Buren hung. He continued his remarks in favor of the inviolability of instructions, and in rebuke of those of the Pennsylvania delegation who had voted for the two-thirds rule, knowing, as they did, that it would defeat Mr. Van Buren's nomination.'

"Mr. Frazer, of Pennsylvania, replied to the remarks of his colleagues, and, amidst much and constantly increasing confusion, explained his motives for having

deserted Mr. Van Buren. On the last ballot he had voted for James K. Polk, and would do so on the next, despite the threat that had been thrown out, that those who had not voted for Mr. Van Buren would be ashamed to show their faces before their constituents. He threw back the imputation with indignation. He denied that he had violated his pledge; that he had voted for Mr. Van Buren on three ballots, but finding that Mr. Van Buren was not the choice of the Convention, he had voted for Mr. Buchanan. Finding that Mr. Buchanan could not succeed, he had cast his vote for James K. Polk, the bosom friend of General Jackson, and a pure, 'whole-hog' Democrat, the known enemy of banks, distribution, etc. He had carried out his instructions, as he understood them, and others would do the same.

"The crimination and recrimination in the Pennsylvania delegation arose from division among the delegates; in some other delegations the disregard of instructions was unanimous, and there was no one to censure another, as in Mississippi. The Pennsylvania delegation may be said to have decided the nomination. They were instructed to vote for Mr. Van Buren, and did so, but they divided on the two-thirds rule, and gave a majority of their votes for it, that is to say, thirteen votes; but as thirteen was not a majority of twenty-six, one delegate was got to stand aside, and then the vote stood thirteen to twelve. The Virginia delegation, headed by the most respectable William H. Roane (with a few exceptions) remained faithful, disregarding the attempt to release them at Shockoe Hill, and voting steadily for Mr. Van Buren, as well on all the ballotings as on the two-thirds question, which was the real one. Some members of the Capitol nocturnal committee were in the Convention, and among its most active managers, and the most zealous against Mr. Van Buren. In that profusion of letters with which they covered the country to undermine him, they placed the



objection on the ground of the impossibility of electing him; now it was seen that the impossibility was on the other side, that it was impossible to defeat him, except by betraying trusts, violating instructions, combining the odds and ends of all factions; and then getting a rule adopted by which a minority was to govern.

“The motion of Mr. Miller was not voted upon. It was summarily disposed of, without the responsibility of a direct vote. The enemies of Mr. Van Buren having secured the presiding officer at the start, all motions were decided against them; and, after a long session of storm and rage, intermitted during the night for sleep and intrigue, and resumed in the morning, an eighth ballot was taken; and without hope for Mr. Van Buren. As his vote went down, that for Messrs. Cass, Buchanan, and R. M. Johnson rose; but without ever carrying either of them to a majority, much less two-thirds. Seeing the combination against him, the friends of Mr. Van Buren withdrew his name, and the party was then without a candidate known to the people. Having killed off the one chosen by the people, the Convention remained masters of the field, and ready to supply one of its own. The intrigue commenced in 1842, in the Gilmer letter, had succeeded one-half. It had put down one man, but another was to be put up; and there were enough of Mr. Van Buren’s friends to defeat that part of the scheme. They determined to render their country that service, and therefore withdrew Mr. Van Buren that they might go in a body for a new man. Among the candidates for the Vice-Presidency was Mr. James K. Polk, of Tennessee. His interest as a Vice-Presidential candidate lay with Mr. Van Buren, and they had been much associated in the minds of each other’s friends. It was an easy step for them to support for the first office, on the loss of their first choice, the citizen whom they intended for the second. Without public announcements, he was slightly developed as a Presidential candi-



date on the eighth ballot; on the ninth he was unanimously nominated, all the President-makers who had been voting for others (for Cass, Buchanan, Johnson) taking the current the instant they saw which way it was going, in order that they might claim the merit of conducting it. 'You bring but seven captives to my tent, but thousands of you took them,' was the sarcastic remark of a king of antiquity at seeing the multitude that came to claim honors and rewards for taking a few prisoners. Mr. Polk might have made the same exclamation in relation to the multitude that assumed to have nominated him. Their name was legion; for, besides the unanimous Convention, there was a host of outside operators, each of whom claimed the merit of having governed the vote of some delegate. Never was such a multitude seen claiming the merit, and demanding the reward for having done what had been done before they heard of it.

"The nomination was a surprise and a marvel to the country. No voice in favor of it had been heard; no visible sign in the political horizon had announced it. Two small symptoms, small in themselves and equivocal in their import, and which would never have been remembered except for the event, doubtfully foreshadowed it. One was a paragraph in a Nashville newspaper, hypothetically suggesting that Mr. Polk should be taken up if Mr. Van Buren should be abandoned; the other, the ominous circumstance that the Tennessee State Nominating Convention made a recommendation (Mr. Polk) for the second office, and none for the first; and Tennessee being considered a Van Buren State, this omission was significant, seeming to leave open the door for his ejection, and for the admission of some other person. And so the delegates from that State seemed to understand it, voting steadily against him, until he was withdrawn.

"The ostensible objection to the last against Mr. Van Buren was his opposition to immediate annexation. The

shallowness of that objection was immediately shown in the unanimous nomination of his bosom friend, Mr. Silas Wright, identified with him in all that related to the Texas negotiation, for Vice-President. He was nominated upon the proposition of Mr. Robert J. Walker, a main-spring in all the movements against Mr. Van Buren, whose most indefatigable opponents sympathized with the Texas scrip and land speculators. Mr. Wright instantly declined the nomination, and Mr. George M. Dallas, of Pennsylvania, was taken in his place."

## CHAPTER V.

MR. CALHOUN'S DISAPPOINTMENT—DEMOCRATIC PLAT-  
FORM—THE RACE—THE RESULT—MR. CLAY  
COULD NEVER BE PRESIDENT.

IT is quite evident that this Convention had no intention of nominating Mr. Calhoun. Even some of those who had made pretensions of that kind to him did not mean to support him. These wily managers knew they could not elect Mr. Calhoun, not even if the whole people had been avowedly in favor of the immediate annexation of Texas, war or no war. Yet no man had greater right to complain of the conduct of this Convention than Mr. Calhoun. He had set in motion the scheme by which Mr. Van Buren was overthrown and the Texas question largely adopted throughout the North, and he expected to profit by it. But Mr. Calhoun's nullification record had destroyed him forever in the North, and the extent to which he carried the dogma of States Rights never could be made acceptable to the people of that part of the Union. General Jackson, and these and a few other things, had utterly destroyed his chances for the Presidency, and that the Democratic leaders knew. Mr. Calhoun had aided in breaking up the unrepudican Congressional caucus for nominating the President

and Vice-President, and he now made an unanswerable attack on the convention system. He had had full inside opportunities to know how well both plans could wholly thwart any general sentiment of the country.

In speaking of the more prominent objectionable features of the convention system Mr. Calhoun said :—

“And here let me add, that as objectionable as I think a Congressional caucus for nominating a President, it is, in my opinion, far less so than a convention constituted as is proposed. The former had, indeed, many things to recommend it. Its members, consisting of Senators and Representatives, were the immediate organs of the State Legislatures, or the people; were responsible to them, respectively, and were, for the most part, of higher character, standing, and talents. They voted *per capita*, and, what is very important, they represented fairly the relative strength of the party in their respective States. In all these important particulars it was all that could be desired for a nominating body, and formed a striking contrast to the proposed convention; and yet it could not be borne by the people in the then purer days of the Republic. I, acting with General Jackson and most of the leaders of the party at that time, contributed to put it down because we believed it to be liable to be acted on and influenced by the patronage of the Government, an objection far more applicable to a convention constituted as the one proposed, than to a Congressional caucus. Far, however, was it from my intention, in aiding to put that down, to substitute in its place what I regard as a hundred times more objectionable in every point of view. Indeed, if there must be an intermediate body between the people and the election, unknown to

the Constitution, it may be well questioned whether a better than the old plan of a Congressional caucus can be devised. . . .

"I have laid down the principle on which I rest the objection in question, with the limitation that the relative weight of the States should be maintained, making due allowance for their relative party strength. The propriety of the limitation is so apparent, that but a few words, in illustration, will be required. The convention is a party convention, and professedly intended to take the sense of the party, which can not be done fairly, if States having but little party strength are put on equality with those which have much. If that were done, the result might be that a small portion of the party from States the least sound, politically, and which could give but little support in Congress, might select the candidate, and make the President against a majority of the soundest, and on which the President and his Administration would have to rely for support. All this is clearly too unfair and improper to be denied. There may be a great difficulty in applying a remedy in a convention, but I do not feel myself called upon to say how it can be done, or by what standard the relative party strength of the respective States should be determined; perhaps the best would be their relative strength in Congress at the time. In laying down the principle, I added the limitation for the sake of accuracy, and to show how imperfectly the party must be represented when it is overlooked. I see no provision in the proposed convention to meet it. . . .

"But, in order to realize how the convention will operate, it will be necessary to view the combined effects of the objections which I have made. Thus viewed, it will be found that a convention, so constituted, tends irresistibly to centralization, centralization of the control over the Presidential election in the hands of a few of the central, large States, at first, and, finally, in political



managers, office-holders, and office-seekers; or, to express it differently, in that portion of the community who live, or expect to live, on the Government, in contradistinction to the great mass who expect to live on their own means or their honest industry, and who maintain the Government; and, politically speaking, emphatically the people. That such would be the case, may be inferred from the fact that it would afford the means to some six or seven States lying contiguous and not far from the center of the Union, to control the nomination, and through that the election, by concentrating their united votes in the convention. Give them the power of doing so, and it would not long lie dormant. What may be done by combination, where the temptation is so great, will be sure ere-long to be done. To combine and conquer is not less true as a maxim, where power is concerned, than 'divide and conquer.' Nothing is better established than that the desire for power can bring together and unite the most discordant materials. . . .

But the tendency to centralization will not stop there. The appointment of delegates *en masse* by State convention, would tend at the same time, and even with great force, to centralize the control in the hands of the few, who make politics a trade. The farther the convention is removed from the people, the more certainly the control over it will be placed in the hands of the interested few, and when removed three or four degrees, as has been shown it will be, where the appointment is by State conventions, the power of the people will cease, and the seekers of Executive favor will become supreme. At that stage, an active, trained, and combined corps will be formed in the party, whose whole time and attention will be directed to politics. Into their hands the appointments of delegates in all the stages will fall, and they will take special care that none but themselves or their humble and obedient dependents shall be appointed. The central and

State conventions will be filled by the most experienced and cunning, and after nominating the President, they will take good care to divide the patronage and offices, both of the General and State governments, among themselves and their dependents. But why say will? Is it not already the case? Have there not been many instances of State conventions being filled by office-holders and office-seekers, who, after making the nomination, have divided the offices in the State among themselves and their partisans, and joined in recommending to the candidate whom they have just nominated to appoint them to the offices to which they have been respectively allotted? If such be the case in the infancy of the system, it must end, if such conventions should become the established usage, in the President nominating his successor. When it comes to that, it will not be long before the sword will take the place of the Constitution."

Mr. Calhoun still vainly hoped for something to turn in his favor after the failure of the convention in his behalf. A convention was called to meet in New York to consider his interests, but it never met. The time had been when he could have had almost any thing for the asking in New York. Twenty years before he was not a champion of slavery, was in fact in favor of extinguishing slave territory in the Nation, his protective views were not at all repugnant to the people of the North, and the younger politicians especially were enthusiastic admirers of his towering qualities. But these things had passed away. Although many of his party friends throughout their lives greatly regretted his political fate, his case really wanted some of the elements of sympathy which were uppermost in Mr. Clay's.

The following documents, which are of importance at this point in the history, are Mr. Polk's letter of acceptance and the "platform" of principles announced by his party at Baltimore :—

"COLUMBIA, TENN., June 12, 1844.

"GENTLEMEN,—I have had the honor to receive your letter of the 29th ultimo, informing me that the Democratic National Convention, then assembled at Baltimore, had designated me to be the candidate of the Democratic party for President of the United States, and that I had been unanimously nominated for that office.

"It has been well observed, that the office of President of the United States should never be sought nor declined. I have never sought it, nor shall I feel at liberty to decline it, if conferred upon me by the voluntary suffrages of my fellow-citizens. In accepting the nomination, I am deeply impressed with the distinguished honor which has been conferred upon me by my republican friends, and am duly sensible of the great and mighty responsibilities which must ever devolve on any citizen who may be called to fill the high station of President of the United States.

"I deem the present to be a proper occasion to declare, that if the nomination made by the convention shall be confirmed by the people, and result in my election, I shall enter upon the discharge of the high and solemn duties of the office with the settled purpose of not being a candidate for re-election. In the event of my election, it shall be my constant aim, by a strict adherence to the old republican landmarks, to maintain and preserve the public prosperity, and at the end of four years, I am resolved to retire to private life. In assuming this position, I feel that I not only impose on myself a salutary restraint, but that I take the most effective means in my power of enabling the Democratic party to make a free selection of a successor

who may be best calculated to give effect to their will, and guard all the interests of our beloved country.

"With great respect, I have the honor to be,

"Your obedient servant,

"JAMES K. POLK.

"TO MESSRS. HENRY HUBBARD, WM. H. ROANE, ETC., ETC."

#### RESOLUTIONS OF THE BALTIMORE CONVENTION.

"*Resolved*, That the American Democracy place their trust, not in factitious symbols, not in displays, and appeals insulting to the judgments and subversive of the intellect of the people, but in a clear reliance upon the intelligence, the patriotism, and the discriminating justice of the American masses.

"*Resolved*, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world as the great moral element in a form of government springing from and upheld by the popular will; we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

"*Resolved, therefore*, That entertaining these views, the Democratic party of this Union, through their delegates assembled in a general convention of the States, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and reassert before the American people, the declaration of principles avowed by them, when on a former occasion, in general convention, they presented their candidates for the popular suffrages:

"1. That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the departments and agents of the Govern-



ment, and that it is inexpedient and dangerous to exercise doubtful Constitutional powers.

“2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvement.

“3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local internal improvements, or other State purposes; nor would such assumption be just and expedient.

“4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country—that every citizen, and every section of the country, has a right to demand and insist upon an equality of rights and privileges, and a complete and ample protection of persons and property from domestic violence or foreign aggression.

“5. That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

“6. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people.

“7. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the Abo-



litionists or others, made to induce Congress to interfere with the question of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.

“ 8. That the separation of the moneys of the Government from banking institutions, is indispensable for the safety of the funds of the Government, and the rights of the people.

“ 9. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of Liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the present privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute-book.

“ *Resolved*, That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution; and that we are opposed to the law lately adopted, and to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

“ *Resolved*, That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities, amply sufficient to guard the public interest, to suspend the passage of a bill, whose merits can not secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has thrice saved the American people from the corrupt and tyrannical domination of a Bank of the United States.

*Resolved*, That our title to the whole of the Territory of Oregon is clear and unquestionable ; that no portion of the same ought to be ceded to England or any other power ; that the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period, are great American measures, which this Convention recommends to the cordial support of the Democracy of the Union."

Nobody had greater cause for being surprised at the work of this convention than had Mr. Polk. He had served fourteen years in Congress, and had acquired some degree of national distinction as Speaker of the House, but he was comparatively unknown. He had no great qualities, and was merely an astute politician. His public history was honorable, however, his capabilities were fair, and he possessed the conditions, especially valuable at that time, for uniting an exceedingly factious party. Still his nomination was one of those startling events which have repeatedly marked the history of party conventions. Even in Tennessee, where they had learned to expect anything, no matter how extravagant, they had with timidity asked the Vice-Presidency only for this little man.

Although nothing had been said about Mr. Polk in connection with the Presidency, and only his friends in Tennessee had thought of it, his nomination was favorably received, and the result was a speedy disappearance of all faction from the party, even Tyler and Calhoun falling into the support of the ticket. The selection of Mr. Dallas was also a source of harmony in the party leadership. The

campaign began at once with great spirit, and although it did not equal that of "Old Tippecanoe," it was certainly one of the most exciting in the history of the country, involving a question, as was well known, which led to immediate war with Mexico. At any rate Polk's nomination removed all contention from the Democratic rank and file, as completely as did that of General Garfield from the Republican camp in 1880. The Democrats had profited by the example of the Whigs in 1840, and now they united all their forces, and made a determined effort to produce the loudest noise. Their success was much better than it had been in the previous race. If they could not run their candidates in on Texas and tariff, they would sing them in, as they claimed the Whigs had done theirs four years before.

They organized glee-clubs all over the country, and both men and women often joined in songs of every shade of truth and folly. Everywhere could be heard such stanzas as:—

"For Polk and Dallas rouse, my boys,  
In all your former glories,  
And chase the rebels from the land,  
The booms and Federal Tories.  
For Polk's the man that's bound to run  
Their Harry out of water;  
All high and dry without a gun  
Or coon to cry him quarter."

In this and numberless others Yankee Doodle was brought into service. Barbecues were in great demand, especially in the West, and tens of thousands

of people of all ages and descriptions gathered at them. Each party strove to see which could excel in numbers and noise. The Democrats raised hickory poles and the Whigs ash, and the grand objects aimed at in these pole raisings were length of pole and noise. Gay processions of men, women, and children, with flags, bands of music, glee clubs, devices, mottoes, traversed the streets and highways.

The Whig poets felt, at the outset, that their convention had made a serious mistake in the selection of a Vice-Presidential candidate, as they doubted their ability to utilize his name in song, but genius overcame the difficulty, and the old Tippecanoe and Log Cabin glee clubs were again put in operation and new ones formed. Harry Clay and Frelinghuysen now rang over the land. Early in the campaign some Democrat was unfortunate enough to say that the Whigs were obliged to run again their standard candidate, "the same old coon," and at once this idea was taken up by their opponents, and no procession of Whigs was without a coon, and many of them carried beautifully dressed trees in which sat live coons, some of them entirely white.

As General Jackson had been called "Old Hickory," so Mr. Polk, coming from the same State, and being, from boyhood, one of his admirers and followers, was now dubbed "Young Hickory," however inapplicable the term was to him. In some States where the poke-weed grew to great height and strength, as Ohio, the Democrats ornamented their processions with these attractive plants, greatly to

their advantage. Lines of wagons and buggies filled with young and old Democrats, singing and bearing magnificent poke-stalks, entered the towns and marched through them on their way to the barbecues or pole-raising. In Ohio the Whigs were exceedingly fortunate in some of their songs.

“Hi-ho for Clay we’ll go,  
Ye Buckeye boys, of Ohio,”

still rings in the ears of many a stout Whig, though boy he may have really been, who then fought his first and last battle for the unfortunate Harry of the West. The little and great orators in both parties throughout the land were kept busy, and the newspapers engaged with great zeal and ability on both sides. Probably the most prominent figures connected with the press in this campaign were, however, Horace Greeley and George D. Prentice. Mr. Greeley edited, during this contest, “The Clay Tribune,” in addition to “The Tribune,” and Mr. Prentice “The Louisville Journal.”

They were both infatuated with Henry Clay, and the amount and character of the work they did in aid of the Whig cause at this time was wonderful. Neither Horace Greeley nor Mr. Prentice ever ceased to regret the failure to make Mr. Clay President of the United States. Their exalted ideas of him have always been regarded, by the Democrats especially, as extravagant, and perhaps they were. Of him Mr. Greeley said:—

“Mr. Clay, born in poverty and obscurity, had not even a common school education, and had only a few



months' clerkship in a store, with a somewhat longer training in a lawyer's office, as preparation for his great career.

"Tall in person, though plain in features, graceful in manner, and at once dignified and affable in bearing, I think his fervid patriotism and thrilling eloquence combined with decided natural abilities and a wide and varied experience to render him the American more fitted to win and enjoy popularity than any other who has lived. That popularity he steadily achieved and extended through the earlier half of his long public life; but he was now confronted by a political combination well-nigh invincible, based on the potent personal strength of General Jackson; and this overcame him.

"Five times presented as a candidate for President he was always beaten, twice in conventions of his political associates, thrice in the choice of electors by the people. The careless reader of our history in future centuries will scarcely realize the force of his personal magnetism, nor conceive how millions of hearts glowed with sanguine hopes of his election to the Presidency, and bitterly lamented his and their discomfiture."

The two great questions brought into this contest were the annexation of Texas and what it involved, and the tariff. By one of Mr. Clay's letters he drove from him many Freesoil supporters by saying that he did not object to the acquisition of Texas on account of slavery. Everybody should have been wise enough to know that Henry Clay's emancipation ideas were never so radical as that. And it was not known then, and never was during his life, that James K. Polk was an emancipationist at heart, although the Whigs of Tennessee accused him of being one, without believing what they did to be

true. Mr. Clay's views on the Texas question were not very satisfactory to many of his friends in both sections; and Mr. Polk managed by one of his letters to confuse considerably, and bring to his support, many voters at the North, and notably in Pennsylvania.

The following is his letter to Judge Kane:—

“COLUMBIA, TENNESSEE, June 19, 1844.

“DEAR SIR,—I have received recently several letters in reference to my opinions on the subject of the tariff, and among others yours of the 30th ultimo. My opinions on this subject have been often given to the public. They are to be found in my public acts, and in the public discussions in which I have participated.

“I am in favor of a tariff for revenue, such a one as will yield a sufficient amount to the Treasury to defray the expenses of the Government economically administered. In adjusting the details of a revenue tariff, I have heretofore sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and at the same time afford reasonable incidental protection to our home industry. I am opposed to a tariff for protection merely, and not for revenue.

“Acting upon these general principles, it is well known that I gave my support to the policy of General Jackson's Administration on this subject. I voted against the tariff act of 1828. I voted for the act of 1832, which contained modifications of some of the objectionable provisions of the act of 1828. As a member of the Committee of Ways and Means of the House of Representatives, I gave my assent to a bill reported by that Committee in December, 1832, making further modifications of the act of 1828, and making also discriminations in the imposition of the duties which it proposed. The bill did not pass, but was

superseded by the bill commonly called the Compromise Bill, for which I voted.

“In my judgment, it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation. I heartily approve the resolutions upon this subject, passed by the Democratic National Convention, lately assembled at Baltimore.

“I am, with great respect, dear sir, your obedient servant,

JAMES K. POLK.”

“JOHN K. KANE, Esq., Philadelphia.”

The Whigs accused Mr. Polk of insincere trifling on the tariff, and there is no mistake that this Kane letter was artfully constructed. But this was a less important matter than that involved in the Texas question, and Mr. Clay did not make himself clear in all quarters alike on this subject. Mr. Clay was at heart opposed to human slavery, but the question stood in his way, and publicly he was always in conflict with it. Without slavery in this country he would have been President, as also would have been Mr. Calhoun. The race was severe and the election was close, but Mr. Polk was successful. During the campaign he had remained at Columbia employed in his profession. On the 28th of November he visited Nashville with his wife, and was received with great ceremony. In reply to a flattering congratulatory speech made to him by Judge Nicholson on this occasion at “The Square” (the old court-house and public square) he made the following remarks which

were designed to show the light in which he wished to be held by the country :—

“ I return to you, sir, and to my fellow-citizens, whose organ you are, my sincere and unfeigned thanks for this manifestation of the popular regard and confidence, and for the congratulations which you have been pleased to express to me, upon the termination and result of the late political contest. I am fully sensible, that these congratulations are not, and can not be, personal to myself. It is the eminent success of our common principles which has spread such general joy over the land. The political struggle through which the country has just passed has been deeply exciting. Extraordinary causes have existed to make it so. It has terminated, it is now over, and I sincerely hope and believe, has been decided by the sober and settled judgment of the American people.

“ In exchanging mutual congratulations with each other upon the result of the late election, the Democratic party should remember, in calmly reviewing the contest, that the portion of our fellow-citizens who have differed with us in opinion have equal political rights with ourselves; that minorities as well as majorities are entitled to the full and free exercise of all their opinions and judgments, and that the rights of all, whether of minorities or majorities, as such, are entitled to equal respect and regard.

“ In rejoicing, therefore, over the success of the Democratic party, and of their principles, in the late election, it should be in no spirit of exultation over the defeat of our opponents; but it should be because, as we honestly believe, our principles and policy are better calculated than theirs to promote the true interests of the whole country.

“ In the political position in which I have been placed, by the voluntary and unsought suffrages of my fellow-citizens, it will become my duty, as it will be my pleasure,



faithfully and truly to represent, in the Executive Department of the Government, the principles and policy of the great party of the country who have elected me to it; but at the same time, it is proper to declare, that I shall not regard myself as the representative of a party only, but of the whole people of the United States; and I trust that the future policy of the Government may be such as to secure the happiness and prosperity of all, without distinction of party."

At noon on the 12th of February, 1845, W. P. Mangum, acting President of the Senate, took the chair of the Speaker of the House, when in the presence of both Houses of Congress, the electoral votes were opened and counted, the galleries being densely crowded by spectators. It was found that Maine, New Hampshire, New York, Pennsylvania, Virginia, South Carolina, Georgia, Louisiana, Mississippi, Indiana, Illinois, Alabama, Missouri, Arkansas, and Michigan had cast their electoral votes for Polk and Dallas; and that Massachusetts, Rhode Island, Connecticut, Vermont, Delaware, Maryland, North Carolina, Kentucky, Tennessee, and Ohio had gone for Clay and Frelinghuysen; whereupon the President of the Senate, *pro tempore*, rose and said:—

"That the whole number of votes given was 275, of which a majority was 138. But James K. Polk, of Tennessee, had received 170 votes cast for the President of the United States, and Henry Clay, of Kentucky, 105; and George M. Dallas, of Pennsylvania, had received 170 votes cast for Vice-President of the United States, and Theodore Frelinghuysen, of New York, had received 105. He then added: 'I do, therefore, declare that James K.



Polk, of Tennessee, having a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1845; and that George M. Dallas, of Pennsylvania, having a majority of electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1845.'"

The popular vote stood, 1,337,243 for Polk, 1,299,068 for Clay, and 62,300 for James G. Birney, Tennessee had voted against her own son, but only by a majority of 113 votes. The majority for Mr. Clay was only 282 in Delaware, and 692 in New Jersey, Ohio and Kentucky giving him the largest majorities, and these were small, the latter 9,267, and the former 5,940.

Mr. Polk's majorities were also small, none of them reaching 12,000, Alabama and Missouri giving the largest, and Indiana giving only 208, and Louisiana 699 votes. The Whigs found a number of very explicable causes for their defeat on this occasion. The main one in the campaign was the popularity of the Texas scheme, and although no man had a better record than Mr. Clay on the subject of the territory included in Texas, he was not now quite on the winning side, and he did not manage the question perfectly to the satisfaction of the people. In the election, at the polls, the cause of defeat was boldly said to be fraud, fraud of the worst kind, and to this day old Whig writers hold to this solution for the defeat of Henry Clay in 1844, and declare that Mr. Polk was not the lawfully chosen President

of the United States. In Louisiana, Pennsylvania, New York, and several other States sufficient fraudulent votes, by repeating and the voting of unnaturalized foreigners, were cast to have carried the election for Mr. Clay, it was claimed. But the Democrats also cried fraud quite boldly; and not only held that the Whigs had lied in every conceivable way during the campaign, but finally in the election they had also committed villainous frauds.

However true this charge may be, it has been resorted to ever since by both parties when there appeared any reasonable ground for it. The cry of fraud is a party instrument, and must be regarded with distrust, while at the same time it is too apparent that in the heat and doubt of the conflict party morals may not always rise above fraud.

In Indiana Mr. Birney had 2,106 votes, in New York 15,812, and in Michigan 3,632. Mr. Polk's majorities in these States were respectively 208, 5,106, and 3,422. The great mass of the Freesoil votes would have been given to Mr. Clay had these people, who were willing to more than throw away their votes, viewed the matter before as many of them did after the election.

Had the 53 electoral votes of these three States been taken from Mr. Polk's, and added to the vote of Clay, the result would have been the election of the latter. No matter what other influences were brought to bear at this election, one thing seems quite certain, that the Freesoilers defeated Mr. Clay. For the part they took they were very justly and

soundly abused by the Whigs. It was also charged by the Whigs that Great Britain took an undue interest in this election with the hope of seeing the last blow given to the "American System" of tariffs in the defeat of Mr. Clay, and to that end used her gold freely to corrupt the "free, untrammelled, independent citizen."

The following view of the case was taken by Mr. Benton:—

"The issue in the election was mainly the party one of Whig and Democrat, modified by the tariff and Texas questions, Mr. Clay being considered the best representative of the former interest, Mr. Polk of the latter.

"The difference in the electoral vote was large, 65; in the popular vote, not so considerable; and in some of the States (and in enough of them to have reversed the issue), the difference in favor of Mr. Polk quite small, and dependent upon causes independent of himself and his cause. Of these it is sufficient to mention New York. There the popular vote was about five hundred thousand; the difference in favor of Mr. Polk, about five thousand; and that difference was solely owing to the association of Mr. Silas Wright, with the canvass. Refusing the nomination for the Vice-Presidency, and seeing a person nominated for the Presidency by a long intrigue at the expense of his friend, Mr. Van Buren, he suffered himself to be persuaded to quit the Senate, which he liked, to become the Democratic candidate for Governor of New York, a place to which he was absolutely averse. The two canvasses went on together, and were in fact one; and the name and popularity of Mr. Wright brought to the Presidential ticket more than enough votes to make the majority that gave the electoral vote of the State to Mr. Polk, but without being able to bring it up to his

own vote for Governor; which was still five thousand more. It was a great sacrifice of feeling and of wishes on his part to quit the Senate to stand this election, a sacrifice purely for the good of the cause, and which became a sacrifice, in a more material sense for himself and his friends. The electoral vote of New York was 36, which, going all together, and being taken from one side and added to the other, would have made a difference of 72, being seven more than enough to have elected Mr. Clay. Mr. Polk was also aided by the withdrawal of Mr. Tyler, and by receiving the South Carolina vote; both of which contingencies depended upon causes independent of his cause, and of his own merits."

## CHAPTER VI.

INAUGURAL CEREMONY—MR. ADAMS'S VIEW OF IT—MR.  
POLK'S INAUGURAL ADDRESS—THE  
CABINET.

ON the 1st of February the President elect, with Mrs. Polk and two of their slaves, a woman and a man, accompanied by a friend, V. K. Stevenson, of New York, and James Knox Walker, the President's relative, who was to be his private secretary, started from Nashville on the long journey to Washington. They traveled by steamer from Nashville to Wheeling, Virginia, stopping at Louisville, Cincinnati, and other points, where every attention was shown to the new President. From Wheeling they traveled by carriage to Cumberland, from which place they went to Washington by railroad, reaching the Capital amidst the firing of cannon and other demonstrations, on the 13th of February, having been joined on the way by Mr. Dallas and other friends. Mr. Polk was conducted to Coleman's, or the National Hotel, where he received the Committee of Congress to notify him of his election. At this point John Quincy Adams gave this opinion of President Polk: "He has affected to speak at Nashville and at Cincinnati of being the President of the Nation, and not of a party; but he is



sold, soul and body, to that grim idol, half albino, half negro, the compound of Democracy and slavery, which, by the slave representation in Congress, rules and ruins the Union."

At last the 4th of March, a rainy and unpleasant day in Washington, came. A great display was made, nevertheless. Military and Democratic societies from various cities were present, and thousands of sight-seers and office-hunters swelled the immense collection of people from all parts of the country.

The following description of the inauguration is from the sharp and not always considerate pen of John Quincy Adams:—

"There was a procession of ten or eleven military companies, who escorted Mr. Polk and Mr. Tyler, who rode together in an open carriage from Coleman's National Hotel to the Capitol. They first assembled in the Senate Chamber, where George Mifflin Dallas, as Vice-President, was qualified as President of the Senate, and whence they proceeded to a platform protruding from the portico at the top of the flight of stairs ascending the eastern front to the entrance of the rotunda. There Mr. Polk delivered his inaugural address, half an hour long, to a large assemblage of umbrellas, for it was raining hard all the time. The official oath was then administered to him by Chief-Justice Taney, and the draggle-tail procession, thinned in numbers, escorted him back to the President's House. At night there were two balls, one at Carusi's Hall, at ten dollars a ticket, of all parties; the other of pure Democrats, at five dollars a ticket, at the National Theater. Mr. Polk attended both, but supped with the true blue, five-dollar Democracy."

Edwin Williams wrote as follows of the inauguration :—

“On the 4th of March, 1845, James K. Polk was inaugurated as President of the United States. A concourse of people seldom congregated in the City of Washington were present to witness the ceremony. The weather proved unfavorable. The morning was lowering ; and before the procession reached the Capitol it commenced raining, and continued wet during the day, marring the enjoyments, and defeating the expectations of many, also much of the intended exhibition and display.

“The ceremony at the Capitol was imposing. The occasion was one of those striking displays of our republican system which he must be a stoic indeed, that could contemplate it with indifference. The flag-staffs of the Whigs, as well as those of their triumphant rivals, were decorated, as an acknowledgment that the chief of the Nation was there, and must be recognized.

“The inaugural procession moved about eleven o’clock A. M., from the quarters of the President elect, at Coleman’s Hotel, to the Capitol, under the direction of General McCalla and his aids. In the procession were the military of Washington, officers and soldiers of the Revolution, the clergy, President elect and his predecessor, in an open carriage, President Tyler’s Cabinet, Justices of the Supreme Court, diplomatic corps, members and ex-members of Congress, members of the Baltimore Democratic National Convention of 1844, officers of the army and navy, etc., Democratic associations and clubs of the District of Columbia, and others from a distance, among whom was a detachment of the Empire Club of the city of New York, citizens of States and Territories, citizens of the District of Columbia, etc.

“The Senate convened at eleven o’clock A. M. The oath being administered to Hon. George M. Dallas, Vice-

President elect, he delivered a brief address to the Senators on taking his seat, after which the new Senators were qualified. The Justices of the Supreme Court in gowns, and the diplomatic corps, twenty-nine in number, entered and took their seats; also General Scott and other officers of the army and navy. About noon, the President elect, Mr. Polk, attended by President Tyler and Senator Woodbury, entered the Senate Chamber, when a procession was formed to the platform on the east front of the Capitol, from which the President delivered his inaugural address. Chief-Justice Taney then administered to the President the oath of office, after which the President, quitting the Capitol, drove rapidly, by an indirect route, to the President's House, where he received, during the afternoon, the congratulations of his fellow-citizens. In the evening he and his lady attended the two inauguration balls which were given in the city."

This doubtful custom of requiring the President to attend these balls was established before Mr. Polk's time, of course, and has been kept up since, but certainly without adding any thing to the dignity of the office..

The following is President Polk's

#### INAUGURAL ADDRESS.

FELLOW-CITIZENS,—Without solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I can not disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of President of the United States, even in the infancy of

the Republic, distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed, now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our Government? Well may the boldest fear, and the wisest tremble when incurring responsibilities on which may depend our country's peace and prosperity, and, in some degree, the hopes and happiness of the whole human family.

In assuming responsibilities so vast, I fervently invoke the aid of the Almighty Ruler of the Universe, in whose hands are the destinies of nations and of men, to guard this heaven-favored land against the mischiefs which, without His guidance, might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of the assembled multitude of my countrymen, to take upon myself the solemn obligation, "to the best of my ability, to preserve, to protect, and defend the Constitution of the United States."

A concise enumeration of the principles which will guide me in the administration policy of the Government, is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The Constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed.

It will be my first care to administer the Government in the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms. The Government of the United States is one of delegated and limited powers, and it is by a strict adherence to the clearly granted powers, and by abstaining from the exercise of doubtful or unauthorized implied powers, that we have the only sure guaranty against the recurrence of those unfortunate collisions between



the Federal and State authorities, which have occasionally so much disturbed the harmony of our system and even threatened the perpetuity of our glorious Union.

"To the States respectively, or to the people," have been reserved "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States." Each State is a complete sovereignty within the sphere of its reserved powers. The Government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the General Government should abstain from the exercise of authority not clearly delegated to it, the States should be equally careful that, in the maintenance of their rights, they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the State governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwark against anti-republican tendencies;" and to the "preservation of the General Government in its whole Constitutional vigor, as the sheet-anchor of our peace at home and safety abroad."

"To the Government of the United States has been intrusted the exclusive management of our foreign affairs. Beyond that, it wields a few general enumerated powers. It does not force reform on the States. It leaves individuals over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the States; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation, consistent with the laws of the States. And we rejoice in the general happiness, prosperity, and advancement of our country, which have been the offspring of freedom and not of power.

The most admirable and wisest system of well-regulated self-government among men, ever devised by human minds, has been tested by its successful operation for more than half a century; and, if preserved from the usurpations of the Fed-



eral Government on the one hand, and the exercise by the States of power not reserved to them on the other, will, I fervently hope and believe, endure for ages to come, and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot, I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system, which consists in substituting the mere discretion and caprice of the Executive, or of majorities in the legislative department of the Government, for powers which have been withheld from the Federal Government by the Constitution. By the theory of our Government, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the Constitution, and in conformity to it. One great object of the Constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the Constitution, as a shield against such oppression.

That the blessings of liberty which our Constitution secures may be enjoyed alike by minorities and majorities, the Executive has been wisely invested with a qualified veto upon the acts of the Legislature. It is a negative power, and is conservative in its character. It arrests for the time hasty, inconsiderate, or unconstitutional legislation; invites reconsideration, and transfers questions at issue between the legislative and executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the Constitution itself may be saved from infraction, and the rights of all preserved and protected.

The inestimable value of our Federal Union is felt and acknowledged by all. By this system of united and confederated States, our people are permitted, collectively and individually, to seek their own happiness in their own way; and the consequences have been most auspicious. Since the Union was formed, the number of States has increased from thirteen to twenty-eight; two of these have taken their position as members of the confederacy within the last week. Our population has increased from three to twenty millions. New communities and States are seeking protection under its ægis, and multitudes from

the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway, peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist schemes of ambition, usurpation, or conquest, is devoting itself to man's true interests, in developing his faculties and powers, and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries; and the hand is free to accomplish whatever the head conceives, not incompatible with the rights of a fellow-being. All distinctions of birth or of rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between Church and State; and perfect freedom of opinion is guaranteed to all sects and creeds.

These are some of the blessings secured to our happy land by our Federal Union. To perpetuate them, it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands, under the protection of this glorious Union? No treason to mankind, since the organization of society, would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the Government, let him remember that nothing human can be perfect; and that under no other system of government revealed by Heaven, or devised by man, has reason been allowed so free and broad a scope to combat error.

Has the sword of despots proved to be a safer or surer instrument of reform in government than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought

of the possibility of its dissolution, and will be ready to adopt the patriotic sentiment: "Our Federal Union: it must be preserved." To preserve it, the compromise which alone enabled our fathers to form a common Constitution for the government and protection of so many States, and distinct communities, of such diversified habits, interests, and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of Union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret that, in some sections of our country, misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections, institutions which existed at the adoption of the Constitution, and were recognized and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and a consequent destruction of our happy form of Government, must speedily follow.

I am happy to believe, that at every period of our existence as a Nation, there has existed, and continues to exist, among the great mass of our people, a devotion to the Union, of the States, which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion, the compromises of the Constitution must not only be preserved, but sectional jealousies and heart-burnings must be discountenanced; and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies, or the peculiar interests of sections or classes, must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the Constitution be preserved, if sectional jealousies and heart-burnings be discountenanced, if our laws be just, and the Government be practically administered strictly within the limits of power prescribed to it, we may discard all apprehensions for the safety of the Union.

With these views of the nature, character, and objects of the Government, and the value of the Union, I shall steadily oppose the creation of those institutions and systems which, in their nature, tend to pervert it from its legitimate purposes, and make it the instrument of sections, classes, and individuals. We need no national bank, or other extraneous institutions, planted around the Government to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities, how impotent for good and how powerful for mischief.

Ours was intended to be a plain and frugal Government; and I shall regard it to be my duty to recommend to Congress, and as far as the Executive is concerned, to enforce by all the means within my power, the strictest economy in the expenditure of the public money, which may be compatible with the public interests.

A national debt has become almost an institution of European monarchies. It is viewed in some of them as an essential prop to existing governments. Melancholy is the condition of that people whose government can be sustained only by a system which periodically transfers large amounts from the labor of the many to the coffers of the few. Such a system is incompatible with the ends for which our Republican Government was instituted. Under a wise policy, the debts contracted in our Revolution, and during the War of 1812, have been happily extinguished. By a judicious application of the revenues, not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the General Government of the Union, and that of many of the States. Happy would it be for the indebted States if they were freed from their liabilities, many of which were incautiously contracted. Although the Government of the Union is neither in a legal nor a moral sense bound for the debts of the States, and it would be a violation of our compact of Union to assume them, yet we can not but feel a deep interest in seeing all the States meet their public



liabilities, and pay off their just debts, at the earliest practicable period. That they will do so, as soon as it can be done without imposing too heavy burdens on their citizens, there is no reason to doubt. The sound moral and honorable feeling of the people of the indebted States can not be questioned; and we are happy to perceive a settled disposition on their part, as their ability returns, after a season of unexampl'd pecuniary embarrassment, to pay off all just demands, and to acquiesce in any reasonable measure to accomplish that object.

One of the difficulties which we have had to encounter in the practical administration of the Government, consists in the adjustment of our revenue laws, and the levy of taxes necessary for the support of Government. In the general proposition, that no more money shall be collected than the necessities of an economical Administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the Government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country."

I have heretofore declared to my fellow-citizens that, in my "judgment, it is the duty of the Government to extend as far as may be practicable to do so, by its revenue laws, and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation," I have also declared my opinion to be in "favor of a tariff for revenue," and that in adjusting the details of such a tariff, I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and at the same time, afford reasonable incidental protection to our home industry, and that I was "opposed to a tariff for protection merely, and not for revenue."

The power "to lay and collect taxes, duties, imposts, and excises," was an indispensable one to be conferred on the



Federal Government, which, without it, would possess no means of providing for its own support. In executing this power, by levying a tariff of duties for the support of Government, the raising revenue should be the object, and protection the incident. To reverse this principle, and make protection the object and revenue the incident, would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue, it is doubtless proper to make such discriminations within the revenue principle, as will afford incidental protection to our home interests. Within the revenue limit, there is a discretion to discriminate; beyond that limit, the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discrimination within the revenue range, it is believed, will be ample. In making discriminations, all our home interests should, as far as practicable, be equally protected.

The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another, would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government. In exercising a sound discretion in levying discriminating duties, within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few at the expense of the toiling millions, by taxing lowest the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy; and highest, the necessities of life, or articles of coarse quality and low price, which the poor and great mass of the people must consume. The burdens of Government should, as far as practicable, be distributed justly and equally among all classes of our population. These general views, long entertained on the subject, I have deemed it proper to reiterate. It is a subject upon which conflicting interests of sections and occupations are supposed to exist, and a spirit of mutual concession and compromise in

adjusting its details should be cherished by every part of our wide-spread country, as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their Government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The Republic of Texas has made known her desire to come into our Union, to form a part of our Confederacy, and to enjoy with us the blessing of liberty secured and guaranteed by our Constitution. Texas was once a part of our country; was unwisely ceded away to a foreign power, is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory, and to merge her sovereignty as a separate and independent State, in ours. I congratulate my country that, by an act of the last Congress of the United States, the assent of this Government has been given to the reunion; and it only remains for the two countries to agree upon the terms, to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers, competent to contract; and foreign nations have no right to interfere with them, or to take exceptions to their reunion. Foreign powers do not seem to appreciate the true character of our Government. Our Union is a confederation of independent States, whose policy is peace with each other and all the world. To enlarge its limits, is to extend the dominion of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our Government. While the Chief Magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must, in their own persons, bear all the burdens and miseries of war, our Government can not be otherwise than pacific. Foreign powers should, therefore, look on the annexation of Texas to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our

Confederation, with the consent of that member, thereby diminishing the chances of war, and opening to them new and ever-increasing markets for their products.

To Texas the reunion is important, because the strong protecting arm of our Government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed; while the safety of New Orleans, and of our south-western frontier, against hostile aggression, as well as the interest of the whole Union, would be promoted by it.

In the earlier stages of our national existence, the opinion prevailed with some, that our system of confederated States could not operate successfully over an extended territory, and serious objections have, at different times, been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinguished. New States have been admitted into the Union; new Territories have been created, and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened; as our boundaries have been enlarged, and our agricultural population has been spread over a large surface, our Federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow, if our present population were confined to the comparatively narrow limits of the original thirteen States, than it is, now that they are sparsely settled over an expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits; and that, as it shall be extended, the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace, if Texas remains an independent State, or becomes an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas, to occasional wars, which so often occur between bordering independent nations? Is there one

who would not prefer free intercourse with her to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas will remain her own, whether annexed to the United States or not. None of the present States will be responsible for them, any more than they are for the local institutions of each other. They have confederated together for certain specified objects.

Upon the same principle that they would refuse to form a perpetual union with Texas, because of her local institutions, our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure, and many reasons for its adoption, vitally affecting the peace, the safety, and the prosperity of both countries, I shall, on the broad principle which formed the basis, and produced the adoption of our Constitution, and not in any narrow spirit of sectional policy, endeavor, by all Constitutional, honorable, and appropriate means, to consummate the express will of the people and Government of the United States, by the re-annexation of Texas to our Union, at the earliest practicable period.

Nor will it become in a less degree my duty to assert and maintain, by all Constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is "clear and unquestionable;" and already are our people preparing to perfect that title, by occupying it with their wives and children. But eighty years ago, our population was confined on the west by the ridge of the Alleghanies. Within that period—within the life-time, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head-springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately, wherever they may be upon our soil. The jurisdiction of our laws, and the benefits



of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory can not long be delayed, within the sphere of our Federative Union. In the meantime, every obligation imposed by treaty or conventional stipulations should be sacredly respected.

In the management of our foreign relations, it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country, or sacrifice any one of the national interests, will be studiously avoided; and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments, by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skillful artisans, find a ready market and remunerating prices in foreign countries.

In taking "care that the laws be faithfully executed," a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue, will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys intrusted to them, at the times and in the manner required by law, will, in every instance, terminate the official connection of such defaulting officer with the Government.

Although, in our country, the chief magistrate must almost of necessity be chosen by a party, and stand pledged to its principles and measures, yet in his official action he should not be the President of a part only, but of the whole people of the United States. While he executes the law with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the Executive Department of the Government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion are entitled to the full and free



exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the co-ordinate branches of the Government, in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour, to continue his generous benedictions upon us, that we may continue to be a prosperous and happy people.

This address was written before the President left his home at Columbia. Before its delivery at Washington it was submitted to some, or all, of the members of his Cabinet, as it possibly had been to some of his friends in Tennessee. Mr. Polk wrote his own messages and most of his other public documents and letters, admitting no assistance in their preparation. His messages were in parts, and then in whole submitted to his Cabinet. Yet he had one faithful adviser to whom he was accustomed throughout his public career to submit all his writings, his wife. In the preparation of his inaugural as Governor of Tennessee, he sought her opinion and criticism at every point. At Washington City he pursued the same course. The opposite opinions of himself and his Cabinet were also often submitted to her without her knowledge of their authors, and her quick decision was sometimes against him.

This uncommonly long inaugural address is mainly taken up with the annunciation of principles. It reaffirms General Jackson's famous declaration as to the preservation of the Union; and, perhaps, with

unnecessary pointedness refers to the rights of this country on the north-western border, then a matter of negotiation with Great Britain. The state of the Texas relations is referred to with great delight ; the agitation of the slavery question, and other matters of importance to the country, are mentioned in a way to leave no doubt as to the position of the President.

On the day of the inauguration, the Senate being in special session as usual on these occasions, President Polk sent in the following nominations for his Cabinet : James Buchanan, of Pennsylvania, Secretary of State ; Robert J. Walker, Mississippi, Secretary of the Treasury ; William L. Marcy, New York, Secretary of War ; George Bancroft, then of Massachusetts, Secretary of the Navy ; Cave Johnson, Tennessee, Postmaster-General ; and John Y. Mason, of Mr. Tyler's Cabinet, Attorney-General. This well-selected Cabinet the Senate at once confirmed.

## CHAPTER VII.

THE POLK, CALHOUN, AND TYLER INTRIGUE—BLAIR'S  
"GLOBE" THE PRICE OF SOUTH CAROLINA—A STORY  
FOR WHICH ALLOWANCES MAY BE MADE.

BEFORE leaving Tennessee to enter upon the duties of his office Mr. Polk, in company with some friends, visited Andrew Jackson, for the last time, at the Hermitage. It has been charged that Mr. Polk made this visit to receive from the old man his blessing and his will as to his approaching Administration. It is a mistake to say that Mr. Polk was ever led by General Jackson, and especially at this time the weak old man, within a few months of the grave, was in no disposition to direct for his friends. His gratification on account of Mr. Polk's election, and his growing interest in the affairs of another world, gave him little inclination, as he had little ability, to devise plans for the administration of the Government. The principles developed during the long "reign" of Andrew Jackson were heartily supported by Mr. Polk; and when a young man studying law at Nashville, and at other times, he undoubtedly had occasion to admire General Jackson; and received from him much of his partisan enthusiasm, and some of his executive force. Yet Mr. Polk was not a follower of any man. He was a

thinker, and principles and practices were alike matters of principle with him. His earnest support of General Jackson sprang from his own convictions, while he admired and praised the exceptional strength and resource with which Jackson executed his own and the accepted suggestions of his advisers. There is, however, good reason for supposing that Mr. Polk mentioned his designs as to his Cabinet to General Jackson, and that the old hero made one request concerning it, and that in the interest of one of his first friends. At all events, at Louisville Mr. Polk found Wm. O. Butler, and without allowing him to prepare for the trip, took him with him to Washington City, for the single purpose of making him Secretary of War. But in the political language of a later day, the slate Mr. Polk had prepared was broken when he got to the National Capital, and Butler was, by necessity, left out. Mr. Polk had determined to give Silas Wright the position of Secretary of the Treasury, but Mr. Wright, who had run several thousand votes ahead of the Polk ticket in New York, and been elected Governor, declined, and recommended Azariah Flagg. But the Treasury was bestowed upon Mr. Walker, who had been designed for Attorney-General, and then it was thought proper to give Mr. Van Buren and his New York friends the privilege of designating a man for the War Department, the only available place. They sent the name of Benjamin F. Butler by special messenger to Washington, but just before his arrival the Cabinet had been made up by the appointment

of Wm. L. Marcy. This was not the only indication of Mr. Polk's total independence of General Jackson in throwing aside the man above all others, perhaps, whom the General would have taken real delight in having made Secretary of War. Mr. Polk had already made arrangements to take the public patronage from Mr. Blair, of "The Globe," and poor Jackson lived to see this incomprehensible thing to him, carried out. Mr. Calhoun was quite anxious to be continued as Secretary of State in the Cabinet of Mr. Polk, on account of the Oregon and other negotiations he had in hand.

Mr. Polk had hardly reached his quarters at Coleman's before the tide of office-seekers from the four quarters of the Nation set in, and from there it flowed to the White House on the 4th when the President and his family took possession, after the inauguration. This continued to be the greatest drain upon his patience and life, as it has been upon every occupant of the Executive Chair since General Jackson.

Before examining the more important affairs with which Mr. Polk at once found himself surrounded, it may be desirable at this point to present a remarkable page of history, no less interesting because it involved the President, General Jackson, and several other prominent characters, without being especially reputable to some of them. The disposition of Francis P. Blair and his "Globe" became, in fact, Mr. Polk's first duty, according to previous contract, into which, it was claimed, he had entered before the



election. It has been held that Mr. Polk went into the Presidential office without promises or pledges to be carried out. But this is a mistake. Besides the whole party platform, and several objects his Administration was expected to accomplish, it was gravely charged against him that he had, by a corrupt bargain, obtained the electoral vote of South Carolina, then the least Democratic of all the States in her mode of election.

Francis P. Blair, editor of "The Globe," was, undoubtedly, a thorn in the sides of President Tyler and Mr. Calhoun, and a strong desire to stop his unbridled career was natural enough with them. This was especially so with Mr. Calhoun, as "The Globe" had not only been an enemy of nullification, but was also then an enemy of him and all his doctrines. It also opposed Mr. Tyler's Administration at every point, and was as openly and persistently against him as it was against his Administration. Every means had been used to soften or silence Mr. Blair, but to no purpose. A large job of Government printing was given to him, but he struck back all the harder at the Administration, and the printing was taken from him. One way only presented itself. The electoral vote of South Carolina was at the disposal of Mr. Calhoun, as there was no popular vote in that State, the Legislature giving the State to any Presidential candidate as it saw fit. Mr. Tyler was yet before the people for election to the Presidency, and although there was not much more probability of his carrying any State than there was of James G. Birney, it was

quite certain that he would diminish the Democratic vote, and, in a closely contested election, Mr. Polk would not be able to stand any thing of that kind. Polk and his friends became so anxious on this point as to consider it necessary to make some effort to get Mr. Tyler to abandon the field. Mr. Polk wrote to General Jackson on the subject, and the General wrote to Mr. Blair and President Tyler, warning one of vile schemes against him, and the other against the improprieties of dividing the Democratic vote for the benefit of Mr. Clay. Mr. Calhoun now came to the rescue. Early in August or two or three months before the election, at all events, a friend or agent of Mr. Calhoun from South Carolina visited Mr. Polk at Columbia, and with him Polk agreed to discontinue Mr. Blair and "The Globe" as the organ of the Administration, on condition that the electoral vote of South Carolina should be secured for him. From this time forward Mr. Calhoun and Mr. Tyler both freely operated in the cause of Mr. Polk, and all sources of division in the Democratic ranks were removed. General Jackson was always in the dark as to the "true inwardness" of this matter, and died without knowing that Mr. Calhoun, whom he had killed forever, was trading South Carolina for the gratification of seeing his old friend and advocate put down. The General finally advised Mr. Blair to sell "The Globe," as did Mr. Van Buren and other friends, and this was done. Thomas Ritchie, of the "Richmond Enquirer," became the successor of Francis P. Blair and John C.

Rives, and the "Daily Union" took the place of "The Globe." The amount paid for "The Globe" was thirty-five thousand dollars, and it was claimed by Mr. Benton, Mr. Rives, and others that fifty thousand dollars were taken from the Government funds to make this purchase, to appease Mr. Calhoun, secure the electoral vote of South Carolina, and, to some extent, furnish an additional inducement to President Tyler to withdraw from the race. This disreputable affair has been traced as far as it can well be done at this day, but Thomas Hart Benton has been taken as the main authority, high enough, perhaps, for the great majority of his party.

Although Mr. Calhoun had some unfinished work which he hoped would induce President Polk to continue him in service, he doubtlessly based his expectations upon the vote of South Carolina and "The Globe" negotiation. The grounds may have been sufficient to arouse such expectations, yet it is difficult to imagine that any thing could have led Mr. Polk to propose the appointment of Mr. Calhoun to a place in his Cabinet.

But this charge of bargain and corruption, involving at least three important figures in the history, may well be set forth with a greater degree of completeness. Mr. Benton thus presents the case :—

"It was in the month of August, 1844, that a leading citizen of South Carolina, and a close friend of Mr. Calhoun, one who had been at the Baltimore Presidential Convention, but not in it, arrived at Mr. Polk's residence

in Tennessee, had interviews with him, and made known the condition on which the vote of South Carolina for him might be dependent. That condition was to discontinue Mr. Blair as the organ of the Administration if he should be elected. The electoral vote of the State being in the hands of the General Assembly, and not in the people, was disposable by the politicians, and had been habitually disposed of by them, and even twice thrown away in the space of a few years. Mr. Polk was certain of the vote of the State if he agreed to the required condition; and he did so. Mr. Blair was agreed to be given up. Mr. Tyler, now fully repudiated by the Whigs, and carrying Democratic colors, and with the power and patronage of the Federal Government in his hands would take off some votes, enough in a closely contested State to turn the scale in favor of Mr. Clay. Hence it became essential to get Mr. Tyler out of the way of Mr. Polk; and to do that, the condition was to get Mr. Blair out of the way of Mr. Tyler. Mr. Polk was anxious for this. A friend of his, who afterwards became a member of his Cabinet, wrote to him in July, that the main obstacle to Mr. Tyler's withdrawal was the course of 'The Globe' towards him and his friends. Another of those most interested in the result urged Mr. Polk to devise some mode of inducing Mr. Tyler to withdraw, and General Jackson was requested '*to ascertain the motives which actuated the course of "The Globe" towards Mr. Tyler and his friends.*' These facts appear in a letter from Mr. Polk to General Jackson, in which he says to him: '*The main object in the way of Mr. Tyler's withdrawal, is the course of "The Globe" towards himself and his friends.*' These communications took place in the month before the South Carolina gentleman visited Tennessee. Mr. Polk's letter to General Jackson is dated the 23d of July. In about as short time after that visit as information could come from Tennessee to Washington, Mr. Tyler publicly with-



drew his Presidential pretensions! and his official paper, 'The Madisonian,' and his supporters passed over to Mr. Polk. The inference is irresistible, that the consideration of receiving the vote of South Carolina, and of getting Mr. Tyler out of the way of Mr. Polk, was the agreement to displace Mr. Blair as Government editor if he should be elected.

"And now we come to another fact, in this connection, as the phrase is, about which also there is no dispute; and that fact is this: On the fourth day of November, 1844, being after Mr. Tyler had joined Mr. Polk, and when the near approach of the Presidential election authorized reliable calculations to be made on its result, the sum of fifty thousand dollars, by an order from the Treasury in Washington, was taken from a respectable bank in Philadelphia, where it was safe and convenient for public use, and transferred to a village bank in the interior of Pennsylvania, where there was no public use for it, and where its safety was questionable. This appears from the records of the Treasury. Authentic letters written in December following from the person who had control of this village bank (Simon Cameron, Esq., a Senator in Congress), went to a gentleman in Tennessee, informing him that fifty thousand dollars was in his hands for the purpose of establishing a new Government organ in Washington City, proposing to him to be its editor, and urging him to come on to Washington for the purpose. These letters were sent to Andrew Jackson Donelson, Esq., connection and ex-private secretary of President Jackson, who immediately refused the proffered editorship, and turned over the letters to General Jackson. His (Jackson's) generous and high blood boiled with indignation at what seemed to be a sacrifice of Mr. Blair for some political consideration; for the letters were so written as to imply a cognizance on the part of Mr. Polk, and of two persons who were to be members of his



Cabinet; and that cognizance was strengthened by a fact unknown to General Jackson, *namely*, that Mr. Polk himself, in due season, proposed to Mr. Blair to yield to Mr. Donelson as actual editor, himself writing *sub rosa*; which Mr. Blair utterly refused. It was a contrivance of Mr. Polk to get rid of Mr. Blair in compliance with his engagement to Mr. Calhoun and Mr. Tyler, without breaking with Mr. Blair and his friends; but he had to deal with a man, and with men, who would have no such hugger-mugger work; and to whom an open breach was preferable to a simulated friendship. General Jackson wrote to Mr. Blair to apprise him of what was going on, and to assure him of his steadfast friendship, and to let him know that Mr. Ritchie, of the 'Richmond Enquirer,' was the person to take the place on the refusal of Andrew Jackson Donelson, and to foretell mischiefs to Mr. Polk and his party if he fell into these schemes, of which Mr. Robert J. Walker was believed to be the chief contriver, and others of the Cabinet passive instruments. On the 14th of December, 1844, he (General Jackson) wrote to Mr. Blair:—

“‘But there is another project on foot as void of good sense and benefit to the Democratic cause as the other, but not as wicked, proceeding from weak and inexperienced minds. It is this: To bring about a partnership between you and Mr. Ritchie, you to continue proprietor and Ritchie the editor. This, to me, is a most extraordinary conception, coming from any well-informed mind or experienced politician. It is true, Mr. Ritchie is an experienced editor, but sometimes goes off at half-cock before he sees the whole ground, and does the party great injury before he sees his error, and then has great difficulty to get back into the right track again. Witness his course on my removal of the deposits, and how much injury he did us before he got into the right track again. Another *faux pas* he made when he went off with Rives and the

conservatives, and advocated for the safe keeping of the public revenue special deposits in the State banks, as if, where the directory were corrupt, there could be any more security in special deposits in corrupt banks than in general deposits, and it was some time before this great absurdity could be beat out of his mind.

“These are visionary measures of what I call weak politicians who suggest them, but who wish to become great by foolish changes. Polk, I believe, will stick by you faithfully; should he not, he is lost; but I have no fears but that he will, and being informed confidentially of this movement, may have it in his power to put it *all down*. There will be great intrigue going on at Washington this winter.’—(December 14, 1844.)

“I fear there are some of our Democratic friends who are trying to bring about a partnership of which I wrote you, which shows a want of confidence, or something worse. Be on your guard, no partnership; you have the confidence of the great body of the Democrats, and I have no confidence in shifting politicians.’—(December 21.)

“Another plan is to get Mr. Ritchie interested as editor of “The Globe,” all of which I gave you an intimation of, and which I thought had been put down. But that any leading Democrat here had any thought of becoming interested in “The Madisonian,” to make it the organ of the Administration, was such a thing as I could not believe; as common sense at once pointed out, as a consequence that it would divide the Democracy, and destroy Polk’s Administration. Why, it would blow him up. The moment I heard it, I adopted such measures as I trust have put an end to it, as I know nothing could be so injurious to Polk and his Administration. The pretext for this movement will be “The Globe’s” support of Mr. Wright. *Let me know if there is any truth in this rumor.* I guarded Colonel Polk against any abandonment of “The Globe.” If true, it would

place Colonel Polk in the shoes of Mr. Tyler.'—(February 28, 1845.)

“‘I have written a long, candid, and friendly letter to Mr. Polk, bringing to his view the dilemma into which he has got by some bad advice, and which his good sense ought to have prevented. I have assured him of your uniform declarations to me of your firm support, and of the destruction of the Democratic party if he takes any one but you as the Executive organ, until you do something to violate that confidence which the Democracy reposes in you. I ask, in emphatic terms, what cause can he assign for not continuing your paper, the organ that was mine and Mr. Van Buren’s, whose Administration he (Polk) and you, hand to hand, supported, and those great fundamental principles you and he have continued to support, and have told him frankly that you will never degrade yourself or your paper by submitting to the terms proposed. I am very sick, exhausted by writing to Mr. Polk, and will write you again soon. I can only add that, although my letter to Mr. Polk is both friendly and frank, I have done justice to you, and I hope he will say at once to you, Go on with my organ as you have been the organ of Jackson and Van Buren. Should he not, I have told him his fate, a divided Democracy, and all the political cliques looking to the succession, will annoy and crush him; the fairest prospects of successful Administration by folly and jealousy lost. I would wish you to inform me which of the heads of the Departments, if any, are hostile to you. If Polk does not look well to his course, the divisions in New York and Pennsylvania will destroy him.’—(April 4, 1845.)

“‘I wrote you and the President, on the 4th instant, and was in hopes that my views would open his eyes to to his own interests and union of the Democratic party. But from the letters before me, I suppose my letter to the President will not prevent that evil to him and the Demo-

eratic party that I have used my voice to prevent. I am too unwell to write much to-day. I have read your letter with care and much interest. I knew you would never degrade yourself by dividing the editorial chair with any one for any cause. I well know that you never can or will abandon your Democratic principles. You can not, under existing circumstances, do any thing to save your character and Democratic principles, and your high standing with all classes of the Democracy, but by selling out your paper. When you sell, have good security for the consideration money. Ritchie is greatly involved, if not finally broke; and you know Cameron, who boasts that he has fifty thousand dollars to invest in a newspaper. Under all existing circumstances, I say to you, sell, and when you do, I look to a split in the Democratic ranks, which I will sorely regret, and which might have been so easily avoided.'—(April 7.)

“‘I have been quite sick for several days. My mind, since ever I heard of the attitude the President had assumed with you as editor of “The Globe,” which was the most unexpected thing I ever met with, my mind has been troubled, and it was not only unexpected by me, but has shown less good common sense, by the President, than any act of his life, and calculated to divide, instead of uniting, the Democracy; which appears to be his reason for urging this useless and foolish measure at the very threshold of his Administration, and when every thing appeared to augur well for, to him, a prosperous Administration. The President here, before he set out for Washington, must have been listening to the secret counsels of some political cliques, such as Calhoun or Tyler cliques (for there are such here); or, after he reached Washington, some of the secret friends of some of the aspirants must have gotten hold of his ear, and spoiled his common sense, or he never would have made such a movement, so uncalled for, and well calculated to sever the Democracy



by calling down upon himself suspicions by the act of secretly favoring some of the political cliques who are looking to the succession for some favorite. I wrote him a long letter on the 4th, telling him there was but one safe course to pursue, send for you, and direct you and "The Globe" to proceed as the organ of his Administration, give you all his confidence, and all would be well, and end well. *This is the substance*; and I had a hope the receipt of this letter, and some others written by mutual friends, would have restored all things to harmony and confidence again. I rested on this hope until the 7th, when I received yours of the 30th, and two confidential letters from the President, directed to be laid before me, from which it would seem that the purchase of "The Globe," and to get rid of you, its editor, is the great absorbing question before the President. *Well, who is to be the purchaser?* Mr. Ritchie and Major A. J. Donelson its editors. *Query as to the latter.* The above question I have asked the President. Is that renegade politician, Cameron, who boasts of his fifty thousand dollars to set up a new paper, to be one of them? Or is Knox Walker to be the purchaser? Who is to purchase? and where is the money to come from? Is Dr. M. Gwinn, the satellite of Calhoun, the great friend of Robert J. Walker? a perfect bankrupt in property. I would like to know what portion of the Cabinet are supporting and advising the President to this course, where nothing but injury can result to him in the end, and division in his Cabinet, arising from jealousy. What political clique is to be benefited?

"My dear friend, let me know all about the Cabinet, and their movements on this subject. How loathsome it is to me to see an old friend laid aside, principles of justice and friendship forgotten, and all for the sake of *policy*, and the great Democratic party divided or endangered for *policy*. I can not reflect upon it with any calmness;



every point of it, upon scrutiny, turns to harm and disunion, and not one beneficial result can be expected from it. I will be anxious to know the result. If harmony is restored, and "The Globe" the organ, I will rejoice; if sold, to whom, and for what. *Have, if you sell, the purchase money well secured.* This may be the last letter I may be able to write you; but live or die, I am your friend (and never deserted one from *policy*), and leave my papers and reputation in your keeping.'— (April 9.)

"'The Globe' was sold, and was paid for; and how? becomes a question of public concern to answer; for it was paid for out of public money, those same fifty thousand dollars which were removed to the village bank in the interior of Pennsylvania by a Treasury order on the fourth day of November, 1844. Three annual installments made the payment, and the Treasury did not reclaim the money for these three years; and, though traveling through tortuous channels, the sharp-sighted Mr. Rives traced the money back to its starting point from that deposit. Besides, Mr. Cameron admitted, before a committee of Congress, that he had furnished money for the payments, an admission which the obliging committee, on request, left out of their report. Mr. Robert J. Walker was Secretary of the Treasury during these three years, and the conviction was absolute, among the close observers of the course of things, that he was the prime contriver and zealous manager of the arrangements which displaced Mr. Blair and installed Mr. Ritchie.

"In the opinions which he expressed of the consequences of that change of editors General Jackson was prophetic. The new paper brought division and distraction into the party, filled it with dissensions, which eventually induced the withdrawal of Mr. Ritchie; but not until he had produced the mischiefs which abler men can not repair."

Mr. Calhoun's negotiator did not reach Columbia, Tennessee, until in August, and yet, on the 21st of that month, President Tyler issued his letter signifying his withdrawal from the contest. The time was short, and at that day of slow communication in this country, Mr. Tyler could hardly have been informed of the outcome of the negotiation on the part of Mr. Calhoun's friend. It would be difficult to believe that Mr. Tyler could have been led to abandon his race under a promise for the suppression of a hostile newspaper merely. Such a thing is incredible. Mr. Benton's imagination was wonderfully vivid at times. Mr. Tyler's reasons for withdrawing from the race were, in 1844, no doubt, fully set forth in his letter; and, although General Jackson's letters show that he was painfully aware of certain schemes against Mr. Blair and "The Globe," and the elaborate statements of Rives, Benton, Blair, and others, unquestionably indicate that Mr. Polk was concerned, to some extent, in them, the case is much less clear as to Mr. Tyler.

"The Globe" had never been the "organ" of Mr. Tyler's Administration, and, in spite of all General Jackson's efforts, it did not become the "organ" of Mr. Polk's. The implication of Mr. Polk in this small intrigue seemed to be well enough established. He did not live to refute the charge boldly made, in detail, by Mr. Benton and others, and his friends were unable to do so. Ex-President Tyler did not believe that Mr. Polk had secured South Carolina by the agreement charged, and deemed Mr. Blair's

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fall from the pinnacle on which General Jackson placed him as the natural result of his own conduct.

The following extract from a letter of Mr. Tyler's written to one of his friends, dated May 8, 1856, and taken from the second volume of Mr. Lyon Gardiner Tyler's work, "Letters and Times of the Tylers," must be taken as completely settling the matter, at least so far as President Tyler's knowledge extended :—

"I have read the papers you sent me, containing Blair's dreams. In his waking hours he can not account for his fall, and then dreams of a combination and conspiracy on the part of the whole world for his undoing. If he would only rub his eyes a little, and bathe them in the gushing waters of Silver Spring, he would have no occasion to conjure up fancies, but would become sensible of the fact that he had victimized himself. He opposed the Ashburton Treaty and the annexation of Texas, preferring, on the last question particularly, to follow the lead of the broken-down factions of the day, to adopting the expressed opinions of General Jackson in the matter, or listening to the loud rallying cry of the Democratic party. From that moment Mr. Blair was dead, and it only remained for Mr. Polk to chant his requiem. His course, personally, towards me, was the same at the one period and the other. At the time of the Ashburton Treaty it was the *Webster-Tyler* Administration; at that of Texas, it was the *Calhoun-Tyler* Administration. Let the good man dream on. I shall not disturb his slumber, already abundantly uneasy. The fancied connection of Mr. Calhoun with the Texas movement in its origin, his agency in inducing the convention of my friends at Baltimore, the Cameron affair, and the Calhoun-Tyler and Polk and Armstrong, and Donelson, etc., conspiracy to

supplant 'The Globe,' by substituting Mr. Ritchie or anybody else as the editorial mouth-piece of Mr. Polk, is the sheerest invention that ever was conceived of."

But Mr. Tyler had more minutely and emphatically handled this matter of "The Globe" intrigue in a letter to Thomas Ritchie, published in 1851, and reproduced in the next preceding volume of this work.

## CHAPTER VIII.

TEXAS AND 54° 40'—GREAT SUBJECTS BEFORE THE ADMINISTRATION—PREPARATIONS FOR WAR WITH MEXICO—GEORGE MIFFLIN DALLAS, THE ELEVENTH VICE-PRESIDENT.

TWO great questions at once occupied the attention of the new Administration. Although it was not responsible for their existence, its own creation had depended, to a great extent, upon the avowed and understood direction it would give to them. These questions related to the annexation of Texas to this country, and all that annexation might involve, and the settlement of the Oregon or North-western boundary with Great Britain. During the last days of President Tyler's Administration Mr. Polk was in Washington, and was consulted as to every important step in the proceedings of the friends of the annexation or acquisition of Texas.

Although the Senate had rejected Mr. Tyler's treaty for the annexation of Texas in 1844, the result of the Presidential election had made it apparent that the will of the majority, perhaps, favored that measure. The joint resolutions of both Houses for the annexation were, in like manner, on the point of rejection, when the resolutions of Mr.



Benton, based upon the view of annexation by treaty, throwing the whole matter into the hands of the President and the Senate, where it should be, were ingrafted on the joint resolutions, and the measure carried by a majority of two votes in the Senate. At least five Senators voted for the measure, as a whole, with the full belief and understanding that the incoming Administration would carry out this feature of the measure, and thereby avoid war with Mexico. Mr. Benton's resolutions were ingrafted by the direct sanction of the President elect. And by his sanction, too, Mr. Tyler, on the third day of March started a messenger to Texas with the act of Congress providing for the annexation. Mr. Polk was exceedingly anxious that this business should be completed before the beginning of his term, and used his efforts with the outgoing Administration to effect that purpose. It was charged against him that he did not send to recall Mr. Tyler's messenger on the way to Texas. But that he had no desire to do. Mr. Tyler had done exactly what he wanted him to do. At all events, there was not the least indication of any disposition to make the annexation of Texas depend upon negotiations, and the Senators whose votes secured the passage of the measure considered themselves deceived. Their votes had been obtained by the distinct understanding that its execution would be left to the new Administration, and that they believed to be pledged to carry out Colonel Benton's addition to the resolutions. The cry of fraud may have been an exagger-

ation, however. And where the blame of deception mainly rests, whether with Mr. Tyler, President Polk, or whether it was chiefly a dexterous feat of the annexation Congressmen, the reader must decide after taking a full view of the case as presented in the next preceding volume of this work. It is there shown that President Polk did not take up with the negotiation clause of the annexation act of Congress, and from what here follows, it may be seen that although he did, after a time, make some effort at negotiation, not as had been claimed he would do, by sending a commission of the ablest men of the country, but by sending a minister plenipotentiary with powers, all his acts lay in the direct way to war with Mexico. Although President Tyler did not believe that Mexico, as poor and as divided as she was, would ever go to war with this country on account of the annexation of Texas, yet he had certainly laid the foundation for the war in the face of direct warnings and threats from the accredited agents of Mexico. Mr. Polk was pledged to his annexation policy, as he was to the north-western border of  $54^{\circ} 40'$ . With the prospect of war with England he gladly shrank away from this lofty position, if he was not also influenced by the question of adding preponderant territory north of the Missouri Compromise or anti-slavery line.

That Mexico regarded the act to incorporate Texas with the United States as hostile, and a sufficient ground of war, was fully known to the new, as well as the old, Administration. In 1844, Mexico

had given notice that such a step would be equivalent to a declaration of war. And on the 6th of March, 1845, but five days after the passage of the annexation resolutions the Mexican Minister at Washington, Almonte, demanded and received his passports, protesting against the resolutions, and deeming them sufficient to break all friendly relations between the two nations. There was no indication now that Mexico had the least disposition to give up Texas without a struggle. Re-annexation, a word, a pretext, in American politics had no weight on the other side of the Rio Grande, and war they constantly said was inevitable in case the United States took such a step. Nor did these declarations and threats hinder the Administration of this Government from proceeding to the accomplishment of its purpose.

On the 4th of July, 1845, Texas passed her ordinance accepting the conditions of annexation, and then proceeded to form her constitution and make elections for admission as a State of the Union. On the 7th of July the Texas Convention called upon the United States to send an army to the defense of that country. President Polk had anticipated this request. General Z. Taylor, then in command in Louisiana, where he was watching the movements of Mexico, was ordered to move his forces into Texas, and A. J. Donelson, the representative of the United States in Mexico, was ordered to advise with General Taylor as to his movements.

Early in April the Mexican authorities had refused to hold further diplomatic relations with the United States and had notified our minister there to that effect. On the 4th of June, President Herrera, then at the head of affairs in Mexico, proclaimed that the annexation of Texas to the United States would not invalidate the rights of Mexico, and that she should defend her rights by the sword. And the Mexican Congress took steps in accordance with this proclamation to put the army in condition for the field. On the 12th of July, the head of the Mexican war office issued orders for the army to be ready to strike against the American aggressors at any point. Towards the last of June Mr. Donelson had written to General Taylor advising him to move at once towards the Rio Grande, and take position at Corpus Christi, on the Aransas Bay, thus at the outset adopting the western boundary claimed by Texas; and no doubt Texas had as good right to include the country between the Nueces and the Rio Grande as a part of the territory of Mexico to be ceded to the United States, as she had any part of Texas, yet the Administration deemed the western border a matter for settlement.

On the 23d of July, General Taylor, with three ships and two steamboats, sailed from New Orleans, and on the 3d of August landed at Corpus Christi Bay near the mouth of the Nueces. At this point all the troops that could be spared from other service were collected, and in November the force amounted to somewhat over 4,000 men. While this



“army of occupation” was gathering in Texas or Mexico, some interesting events were occurring at Washington, and in diplomatic affairs.

One of Mr. Polk’s biographers states that when Almonte, the Mexican Minister, demanded his passports, Mr. Buchanan assured him that the Administration at Washington was desirous of treating with Mexico in a kind spirit for the settlement of the Texas boundary, and all other difficulties between the two governments. This may be true, but its truth is not sustained by President Polk’s first message to Congress. It was, no doubt, the desire of the Administration to deal kindly with Mexico, as long as Mexico did not stand in the way of its designs. The first message contains these words: “He was informed that the Government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offense to his government, that the Republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty or jurisdiction. He was also assured that it was the sincere desire of this Government to maintain with that of Mexico relations of peace and good understanding.” In this extract from the message, the only one bearing on the subject, there is not the slightest hint that the Mexican Minister had been notified that the Administration was anxious to *treat* amicably as to Texas and other sources of difficulty between the two governments. Nor was the



Mexican at all willing to admit the President's positions to be true as to the relations between Mexico and Texas, and consequently the liberties of other nations as to Texas. For in his protest he boldly declared the annexation act to be the most unjust known on the pages of history, and declared that his government would resist it.

On the 23d of May, 1845, Mr. Buchanan wrote to Andrew Jackson Donelson, chargé to Texas, that in case Texas accepted the terms of annexation, it would be the duty of the President to send an army to protect the new State. On the 4th of June, Mr. Donelson wrote to the Secretary of State: "I look upon war with Mexico as inevitable." But Donelson attributed the cause of war more to the interference of Great Britain against the extension of slavery, and the acquisition of territory by the United States, than to the disposition of Mexico. He now recommended the army to be ready, as soon as the decision of Texas was known, to occupy and hold the new territory. For this reason General Taylor had been sent to the Nueces.

In September, Mr. Black, the American Consul living at the City of Mexico, was notified by our Secretary of State to ascertain the disposition of the Mexican authorities in relation to renewing diplomatic intercourse between the two governments. On the 13th of October Mr. Black presented the question in a note to the Mexican Minister of Foreign Affairs, and two days afterwards received a reply to the effect that the Mexican Government

would receive a "commissioner" only "to settle the present dispute in a peaceful, reasonable, and honorable manner." This was on condition, too, that the American squadron off Vera Cruz should be removed. The Mexican Administration desired all appearance of force and irritation to their people to be removed, being itself liable at any time to fall a prey to popular fury. The naval force at Vera Cruz was recalled, accordingly, and John Slidell immediately sent to Mexico, as minister plenipotentiary, with power to negotiate, and not simply as a "commissioner" to settle the "present disputes." On the 8th of December, Mr. Slidell having arrived in the City of Mexico, wrote to the Secretary of Foreign Affairs notifying him of his presence. But he was not received. It had now been discovered that President Herrera was on the point of opening negotiations with the United States, and this step being offensive to the people his Administration was about to be overthrown in the usual way in Mexico. In order to recover his authority Herrera pronounced against his former disposition to treat with the United States, and it was now declared that Mr. Slidell had appeared in the wrong capacity. That he could only be received as a commissioner to treat of Texas; that his admission as a minister plenipotentiary, as the United States required, would involve other questions with which he might choose to occupy himself; that relations would in that way be re-established to the detriment of Mexico. However true any of these and other assertions for not

receiving Mr. Slidell as a minister were, they were pretexts merely to get out of a dilemma. No Administration in Mexico could resist the demands of the war party.

The course of Herrera was not otherwise satisfactory, and the result was a "revolution." Shortly after Mr. Slidell's arrival at the capital of Mexico the soldier, Paredes, was put at the head of government on the pledge that he would prosecute the claims of Mexico by war with the United States. Mr. Slidell, for a time, took up his residence at Jalapa. And on the 1st of March, under instruction from Washington, he again renewed his overtures for recognition as Minister from the United States. But this request the new Minister of Foreign Affairs, Lanzas, refused, at the same time repeating the statement of the former government, that no representative could be received from the United States, except one empowered only to treat of Texas. On the 21st of March, 1846, Mr. Slidell received his passports from Costillo Y. Lanzas; and this was the end of the attempt to settle the difficulties without war, at any rate on the part of Mexico.

During the summer of 1845, the authorities at Washington were also occupied with the Oregon question and other matters which will be fully noted hereafter. The President did not leave the Capital during the summer, and the burdens of the office began early to sit heavily upon him.

Congress convened on the 1st of December in what is termed the "first session of the 29th Con-

gress." The House was at once organized by the election of John W. Davis, of Indiana, for Speaker by 120 against 72 votes for Samuel F. Vinton, of Ohio. This vote exhibited the comparative strength of the two parties in that branch, the last Congressional elections having resulted greatly to the advantage of the Democrats. The Vice-President, Mr. Dallas, took his seat as presiding officer of the Senate; and at this time appeared several new members, especially in the Senate, who subsequently became more or less distinguished in the affairs of the country. Among these were John A. Dix and Daniel S. Dickinson, of New York; Lewis Cass, of Michigan; Jesse D. Bright, of Indiana; and Reverdy Johnson, of Maryland. Sam Houston, of Texas, also came in after a time.

George Mifflin Dallas, son of Alexander James Dallas, was born July 10, 1792, at Philadelphia, Pennsylvania. He attended school in Germantown, and in the Friends' Academy at Philadelphia, and entered Princeton College at the age of fourteen, graduating in 1810. He began at once the study of the law with his father, and was admitted to practice in 1813. In that year he accompanied Mr. Gallatin as his private secretary to Europe, but in August, 1814, returned with dispatches to the Government from the Commissioners, then sitting at Ghent. He soon afterwards began the practice of his profession in Philadelphia. Late in 1814, he was married, Miss Nicklin, the daughter of a Philadelphia merchant, becoming his wife.



Mr. Dallas was a politician from the outset, and soon became prominent in the affairs of his State as a straight Republican (Democrat). He was one of the warm, early advocates of Mr. Calhoun, and favored his nomination and election as the successor of Mr. Monroe. He finally became infatuated with the hurrah for General Jackson, and fell into the arrangement placing Mr. Calhoun for Vice-President. During the Presidency of Mr. Adams, he was once elected mayor of Philadelphia. On the election of General Jackson, he was given the District Attorneyship, in 1829, an office to which his father had been appointed by President Jefferson. In 1831, a vacancy occurring in the United States Senate from Pennsylvania, the Legislature appointed him to fill it. Although he maintained in Congress the favorable reputation he had established at home, yet the employment was not to his liking, and on the expiration of his term in 1833, he was allowed to return to his profession. He was soon afterwards appointed Attorney-General for the State, and held the office until the affairs of the country went under the management of the Whigs. During this official service he resided at Harrisburg, but on his resignation, he again resumed the law practice in Philadelphia. He was, however, on the incoming of Mr. Van Buren's Administration, in 1837, sent as Minister to Russia, where he remained until the fall of 1839.

During Mr. Dallas's employment in the Senate he voted, in 1832, for the re-chartering of the Bank of the United States, a step not based upon his own con-



victions, but the positive instructions of his constituents. In 1823, when it had been decided to open diplomatic relations with Mexico, the friends of Mr. Dallas urged his name upon the President for the mission. At the outset Mr. Monroe favored his appointment; but Mr. Adams thought it would be better to appoint Ninian Edwards, and held that Mr. Dallas was not only too young, but also that he had not yet reached the rank from which the Government could be justified in selecting its ministers. Both Edwards and Dallas were unfriendly to Mr. Adams in the Presidential race. Mr. Edwards was, however, appointed Minister to Mexico, but becoming embroiled in the slanderous turmoil of the times, he was compelled to resign without entering upon the duties to which he had been appointed.

In 1844, Mr. Dallas was nominated by the Democrats at Baltimore, as their candidate for the Vice-Presidency, and was elected. While his nomination was made, in part, to satisfy and secure Pennsylvania, his own merits were not overlooked in the selection. He had taken position among the first lawyers of his State, and although his public employments had not been so extensive or important as Mr. Polk's, his standing in other respects was quite up to that of Mr. Polk. He presided in the Senate with dignity and strength, and at the end of his term, resumed the more active pursuits of his profession, remaining thus engaged, with little interruption, until appointed by President Buchanan as Minister Plenipotentiary to England. In this mission he continued until the

administration of national affairs at home had passed into new hands.

Mr. Dallas returned to the United States an enemy of the new Administration and its policy, and full of disappointments and fears. As did other men of intelligence, he deplored the sad condition of affairs, and like many other distinguished men of his party, thought the way to remedy the evils of the times was to cast his sympathy with the advocates of the cause of slavery. He never resumed his professional employments after returning from England; and his sudden death, in the midst of the war, took from him the chance even for a glimpse of the brighter and better days of his country.

On the 16th of July, 1849, in the "Chinese Museum" at Philadelphia, Mr. Dallas delivered a eulogy on James K. Polk. This address was printed in the "Philadelphian," edited by John W. Forney, a special friend of Mr. Polk, and occupies more than five columns of that paper. At the outset of this long address Mr. Dallas claimed that the task of setting Mr. Polk's character right would have to be left to posterity. This was simply repeating the old thread-bare error, that a lazy or indifferent race concerned most about itself and caring little for the past, which it can only visit through tradition, with only the lies and truths of friends and enemies on which to base its opinion, could possibly be the most reliable judge of any cause. At any rate, it would be safe to say that posterity would, indeed, have a task in any attempt to make out of Mr. Polk a reasonably

safe terrestrial man from Mr. Dallas's eulogy. It is a finished composition, and comes under the frivolous classification of oratory, but it neither gives help in understanding the character of Mr. Polk, nor advances a good opinion of Mr. Dallas himself.

In speaking of the qualities of Mr. Polk, the eulogist says: "He was temperate, but not unsocial, . . . moral without austerity, and devotional though not bigoted." One of the points made in the eulogy as especially favorable to Mr. Polk was his approachability, as President, by high and low, by every condition alike. A Democratic President without this quality, would belie his constantly avowed pretensions of coming from "the people," and being their servant and friend. An apology at all gives the impression that an apology is sometimes needed. The fact is that this quality has not been peculiar to any President of the United States. Party has made no difference in this matter, whatever were the pretensions. All the Presidents have done justice to the republican spirit of their times and country, and none of them ever had more affection for the masses than the case required. The temperance which Mr. Dallas portrays and eulogizes is one that gives way on appropriate occasions; a morality, which is amiable and facile; and an easy-going, non-resisting religion. Temperance does not compromise with the bowl, morality turns neither to the right nor the left, religion has no friendship in irreligion. Bigotry is not predicable of the wise. Principle controls in the realm of true wisdom. True and noble principles, justly,

honorably, and unswervingly maintained, make life worth living, and it may well be doubted if anything else could do so.

Mr. Dallas died December 31, 1864, of paralysis of the heart, at his home in Philadelphia. He left several children, all daughters. One of these daughters edited and published a volume of his "Letters from Abroad."

Mr. Dallas was able as a lawyer, and as a politician was successful without reaching his highest aim. His aspirations were less those of the politician than of the statesman perhaps; and while he never attained the condition of the statesman, strictly speaking, his dignity of character prevented his stooping to the tricks of the office-hunting politician. Long before the end of his life, Mr. Dallas's hair became white. He had a fine face and head, and was altogether physically one of the most remarkable looking public men of his day. He left no great fortune in "literary remains," nor otherwise. But his aristocratic old family is by no means extinct, and his own name is still heard at Philadelphia in that of his nephew, the lawyer, George M. Dallas.

## CHAPTER IX.

PRESIDENT POLK'S FIRST ANNUAL MESSAGE—TEXAS  
AND OREGON.

ON the 2d of December, President Polk sent to Congress, by his private secretary, Mr. Walker, his

## FIRST ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE, AND HOUSE OF REPRESENTATIVES:—

It is to me a source of unaffected satisfaction to meet the Representatives of the States and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing for the first time the duty imposed on me by the Constitution, of giving to you information of the state of the Union, and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the Union of the States, and for the doctrines of popular liberty, which lie at the foundation of our Government.

It becomes us, in humility, to make our devout acknowledgment to the Supreme Ruler of the universe, for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state, that though with some of them there have existed since your last session



serious cause of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs to "ask nothing that is not right, and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations; but at the same time, to be prepared to resist aggression, and to maintain all our just rights.

In pursuance of the joint resolution of Congress "for annexing Texas to the United States," my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the Republic of Texas, as an overture, on the part of the United States, for her admission as a State into our Union. This election I approved, and accordingly the *chargé d'affaires* of the United States in Texas, under instructions of the tenth of March, 1845, presented these sections of the resolution for the acceptance of that Republic. The Executive Government, the Congress, and the people of Texas in convention, have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation, and ratified the Constitution.

I communicate to Congress the correspondence between the Secretary of State and our *chargé d'affaires* in Texas; and also the correspondence of the latter with the authorities of Texas; together with the official documents transmitted by him to his own Government.

The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their Union. Nothing remains to consummate the event, but the passage of an act by Congress to admit the State of Texas into the Union upon an equal footing with the original States. Strong reasons exist why this should be done at an early period of the session. It will be observed, that by the Constitution of Texas, the existing government is only continued temporarily till Congress can act, and that the third Monday of the

present month is the day appointed for holding the first general election. On that day, a governor, a lieutenant-governor, and both branches of the Legislature, will be chosen by the people. The President of Texas is required, immediately after the receipt of official information that the new State has been admitted into our Union by Congress, to convene the Legislature; and, upon its meeting, the existing government will be superseded, and the State government organized. Questions deeply interesting to Texas, in common with the other States, the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress; and, therefore, upon every principle of republican government, she ought to be represented in that body without unnecessary delay. I can not too earnestly recommend prompt action on this important subject.

As soon as the act to admit Texas as a State shall be passed, the union of the two republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our Federative Union.

If we consider the extent of territory involved in the annexation, its prospective influence on America, the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our Union, the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the Federal Constitution was bounded by the St. Mary's on the Atlantic, has passed the Capes of Florida, and been peacefully extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France, the country which had

been our ancient ally, the country which has a common interest with us in maintaining the freedom of the seas, the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico, the country with which we have been every year drawing more and more closely the bonds of successful commerce, most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation, and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example, European governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent, against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Toward Texas, I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her "lone star" to our glorious constellation.

I regret to inform you that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the 6th day of March last, the Mexican Envoy Extraordinary and Minister Plenipotentiary to the United States made a formal protest, in the name of his government, against the joint resolution passed by Congress, "for the annexation of Texas to the United States," which he chose to regard as a violation of the rights of Mexico, and in consequence of it he demanded his passports. He was informed that the Government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offense to his government; that the Republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured

that it was the sincere desire of this Government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission, and shortly afterward left the country. Our Envoy Extraordinary and Minister Plenipotentiary to Mexico was refused all official intercourse with that government, and, after remaining several months, by the permission of his own Government he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

Since that time Mexico has, until recently, occupied an attitude of hostility toward the United States; has been marshaling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the Congress and convention of the people of Texas invited this Government to send an army into that territory, to protect and defend them against the menaced attack. The moment the terms of annexation, offered by the United States, were accepted by Texas, the latter became so far a part of our own country, as to make it our duty to afford such protection and defense. I, therefore, deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to co-operate with the army. But though our army and navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war, or was herself the aggressor, by striking the first blow. The result has been that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion, that the peace of the two republics has not been disturbed.

Texas had declared her independence, and maintained it by her arms for more than nine years. She has had an organized



government in successful operation during that period. Her separate existence, as an independent State, had been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her government, would be vain. Even Mexico herself had become satisfied of this fact; and whilst the question of annexation was pending before the people of Texas, during the past summer, the Government of Mexico, by a formal act, agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume.

But though Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States, through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs, and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the 5th of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 8th of February, 1837, the President of the United States declared, in a message to Congress, that "the length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and



people by the late Extraordinary Mexican Minister, would justify in the eyes of all nations immediate war."

He did not, however, recommend an immediate resort to this extreme measure, which, he declared, "should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided;" but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views, committees of the two Houses of Congress, in reports made to their respective bodies, concurred. Since these proceedings, more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838, with full authority to make another and final demand for redress. The demand was made; the Mexican Government promised to repair the wrongs of which we complained; and after much delay, a treaty of indemnity with that view was concluded between the two powers on the 11th of April, 1839, and was duly ratified by both governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to eighteen months; at the expiration of which, they had adjudicated and decided claims amounting to two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter, the American commissioners had decided in favor of our citizens, claims amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered, and were left undisposed of.

The sum of two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents decided by the

board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that republic, the request was granted; and on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided, that the interest due on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843; and that "the principal of the said awards, and the interest arising thereon, shall be paid in five years, in equal installments every three months, the said term of five years to commence on the 30th day of April, 1843, as aforesaid." The interest due on the 30th day of April, 1843, and the three first of the twenty installments, have been paid. Seventeen of these installments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than three millions of dollars, together with other claims for spoliation on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized, that a treaty, providing for their examination and settlement by a joint commission, was concluded and signed at Mexico on the 20th day of November, 1843. This treaty was ratified by the United States, with certain amendments, to which no just exception could have been taken; but it has not yet received the ratification of the Mexican Government. In the meantime, our citizens who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never have been tolerated by the United States, had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognize her independence, and to

receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have, therefore, borne the repeated wrongs she has committed, with great patience, in the hope that a returning sense of justice would ultimately guide her councils, and that we might, if possible, honorably avoid any hostile collision with her.

Without the previous authority of Congress, the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than be prepared to repel the threatened aggression on the part of Mexico. After our army and navy had remained on the frontier and coasts of Mexico for many weeks, without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view, I caused steps to be taken, in the month of September last, to ascertain distinctly, and in an authentic form, what the designs of the Mexican Government were; whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle, in an amicable manner, the pending differences between the two countries. On the 9th of November an official answer was received, that the Mexican Government consented to renew the diplomatic relations which had been suspended in March last, and for that purpose were willing to accredit a Minister from the United States. With a sincere desire to preserve peace, and restore relations of good understanding between the two republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them; and, assuming the initiative, on the 10th of November a distinguished citizen of Louisiana was appointed Envoy Extraordinary and Minister Plenipotentiary to Mexico, clothed with full powers to adjust, and definitely settle, all pending differences between the two countries, including those of boundary between Mexico and the State of Texas. The minister appointed has set out on his mission, and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period, which, it is expected, will be in time to enable me to communicate the result to Congress during the present session. Until that result is known, I forbear

to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.

Congress appropriated at the last session the sum of two hundred and seventy-five thousand dollars for the payment of the April and July installments of the Mexican indemnities for the year 1844: "Provided it shall be ascertained to the satisfaction of the American Government that the said installments have been paid by the Mexican Government to the agent appointed by the United States to receive the same in such manner as to discharge all claim on the Mexican Government, and said agent to be delinquent in remitting the money to the United States."

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information in an authentic form, from the agent of the United States appointed under the Administration of my predecessor, was received at the State Department on the 9th of November last. This is contained in a letter dated the 17th of October, addressed by him to one of our citizens then in Mexico, with the view of having it communicated to that Department. From this it appears that the agent, on the 20th of September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July installments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash, but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these installments appear never to have been actually paid by the Government of Mexico to the agent, and as that government has not therefore been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants out of the Treasury, without further legislation. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether any, and what, relief ought to be granted to them. Our Minister to Mexico has been instructed to ascertain the facts of the case from the Mexican Government, in an authentic and official form, and report the result with as little delay as possible.



My attention was early directed to the negotiation, which, on the 4th of March last, I found pending at Washington between the United States and Great Britain, on the subject of the Oregon territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful.

These negotiations took place at London, in the years 1818, 1824, and 1826; the two first under the Administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the 20th of October of that year. By the third article of that convention, it was "agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties in that respect being, to prevent disputes and differences among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826 having also failed to affect an adjustment by compromise, resulted in the convention of August the 6th, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the 20th of October, 1818; and it was further provided, "that it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated after the expira-



tion of the said term of service." In these attempts to adjust the controversy, the parallel of forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the forty-ninth degree, from the Rocky Mountains to its intersection of the north-easternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the Envoy Extraordinary and Minister Plenipotentiary of the United States in London, was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterwards transferred to Washington; and, on the 23d of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon the principles of "compromise;" and the avowed purpose of the parties was "to treat of the respective claims of the two countries to the Oregon Territory, with a view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean." Accordingly, on the 26th of August, 1844, the British Plenipotentiary offered to divide the Oregon Territory by the forty-ninth parallel of north latitude, from the Rocky Mountains to the point of its intersection with the north-easternmost branch of the Columbia River, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties, the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's Harbor inclusive, to Hood's Canal, and to make free to the United States any port or ports south of latitude forty-nine degrees, which they might desire, either on the main-land or on Quadra and Vancouver's Island. With the exception of free ports, this was the same offer which had been made by the

British and rejected by the American Government, in the negotiation of 1826. This proposition was properly rejected by the American Plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British Plenipotentiary. The proposition on the part of Great Britain having been rejected, the British Plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding Administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British Plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government." The proposition thus offered and rejected, repeated the offer of the parallel of forty-nine degrees of north latitude, which had been made by two preceding Administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to

concede. It also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction, the proposition of compromise which had been made and rejected was, by my direction, subsequently withdrawn, and our title to the whole Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States, and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit, Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the convention of the 6th of August, 1827.

It will become proper for Congress to determine what legislation they can, in the meantime, adopt, without violating this convention. Beyond all question, the protection of our laws

and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have in consequence been compelled, for their own security and protection, to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachments to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British Parliament have proceeded in regard to British subjects in that territory, by their act of July the 2d, 1821, "for regulating the fur-trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur-trade in that territory. By it the courts of the province of Upper Canada were empowered to take cognizance of causes, civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that province, and to "sit and hold courts of record for the trial of criminal offenses and misdemeanors," not made the subject of capital punishment, and also of civil cases, where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

Subsequent to the date of this act of Parliament, a grant was made from the "British crown" to the Hudson's Bay Company, of the exclusive trade with the Indian tribes in the Oregon Territory, subject to a reservation that it shall not operate to the exclusion "of the subjects of any foreign States who, under or by force of any convention for the time being, between us and such foreign States, respectively, may be entitled to, and shall be engaged in, the said trade."

It is much to be regretted that, while under this act, British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens, in the same territory, have enjoyed no such protection from their Government. At the same time, the



result illustrates the character of our people and their institutions. In spite of this neglect they have multiplied, and their number is rapidly increasing in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes by the adoption of republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail. It is due to them that they should be embraced and protected by our laws.

It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to such tribes as dwell beyond them.

The increasing emigration to Oregon, and the care and protection which is due from the Government to its citizens in that distant region, make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that territory. For this purpose, I recommend that provision be made for establishing an Indian agency, and such sub-agencies as may be deemed necessary beyond the Rocky Mountains.

For the protection of emigrants whilst on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and block-house forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains; and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not violate the provisions of the existing treaty. It will be doing nothing more for American citizens than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic States to Oregon; and although we have a large number of whale-ships in the Pacific, but few of them afford an opportunity of interchanging intelligence, without great delay, between our settlements in that distant region and the United States. An overland mail is believed to be entirely practicable; and the importance of establishing such a mail,



at least once a month, is submitted to the favorable consideration of Congress.

It is submitted to the wisdom of Congress to determine whether, at their present session, and until after the expiration of the year's notice, any other measures may be adopted, consistently with the convention of 1827, for the security of our rights, and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers, who, amidst privations and dangers, lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain, shall have ceased to exist, would be to doubt the justice of Congress; but pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made, consistently with the spirit of that convention.

The recommendations which I have made, as to the best manner of securing our rights in Oregon, are submitted to Congress with great deference. Should they, in their wisdom, devise any other mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American Continent, to which, it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests, I refer you to the correspondence of the late and present Secretary of State with the British Plenipotentiary during the negotiation. The British proposition of compromise, which would make the Columbia the line south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the

British side two-thirds of the whole Oregon Territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two governments during the late negotiation.

The rapid extension of our settlements over our territories heretofore unoccupied; the addition of new States to our Confederacy; the expansion of free principles, and our rising greatness as a nation, are attracting the attention of the powers of Europe; and lately the doctrine has been broached in some of them, of a "balance of power" on this continent, to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American Continent; and should any such interference be attempted, will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations, that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the

rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American Continent, and especially to the United States. We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent State, propose to unite themselves with our Confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American Continent.

A question has recently arisen under the tenth article of the subsisting treaty between the United States and Prussia. By this article, the consuls of the two countries have the right to sit as judges and arbitrators "in such differences as may arise between the captains and crews of vessels belonging to

the nations whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or tranquillity of the country; or the said consuls should require their assistance to cause their decisions to be carried into effect or supported."

The Prussian consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and the crew of the Prussian ship *Borussia*; but the request was refused on the ground that, without previous legislation by Congress, the judiciary did not possess the power to give effect to this article of the treaty. The Prussian Government, through their minister here, have complained of this violation of the treaty, and have asked the Government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish Government and that of the United States, in December, 1831, American vessels, since the 29th of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary Islands, on payment of the same tonnage duty of five cents per ton, as though they had been Spanish vessels; and this, whether our vessels arrive in Spain directly from the United States, or indirectly from any other country. When Congress, by the act of the 13th of July, 1832, gave effect to this arrangement between the two governments, they confined the reduction of tonnage duty merely to Spanish vessels "coming from a port in Spain," leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is manifestly unjust that, whilst American vessels, arriving in the ports of Spain from other countries, pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage



duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December, 1831, between the two countries. The Spanish Government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend, as an act of justice to Spain, that this inequality be removed by Congress, and that the discriminating duties which have been levied under the act of the 13th of July, 1832, on Spanish vessels coming to the United States from any other foreign country, be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June 30, 1834, concerning tonnage duty on such vessels.

By the act of the 14th of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced, or the national character of the vessel in which it was imported. By the tariff act of the 30th of August, 1842, this exemption from duty was restricted to coffee imported in American vessels from the place of its production; whilst coffee imported under all other circumstances was subjected to a duty of twenty per cent *ad valorem*. Under this act, and our existing treaty with the King of the Netherlands, Java coffee imported from the European ports of that kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The government of the Netherlands complains that such a discriminating duty should have been imposed on coffee, the production of one of its colonies, and which is chiefly brought from Java to the ports of that kingdom, and exported from thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries, and our relations with them have ever been of the most friendly character. Under all the circumstances of the case, I recommend that this discrimination should be abolished, and that the coffee of Java imported from the Netherlands be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the 30th of



August, 1842, a duty of fifteen cents per gallon was imposed on port wine in casks; while on the red wines of several other countries, when imported in casks, a duty of only six cents per gallon was imposed. This discrimination, so far as regarded the port wine of Portugal, was deemed a violation of our treaty with that power, which provides, that "no higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country." Accordingly, to give effect to the treaty, as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations, a Treasury circular was issued on the 16th of July, 1844, which, among other things, declared the duty on the port wine of Portugal, in casks, under the existing laws and treaty, to be six cents per gallon, and directed that the excess of duties which had been collected on such wine should be refunded. By virtue of another clause, in the same section of the act, it is provided that all imitations of port, or any other wines, "shall be subject to the duty provided for the genuine article." Imitations of port wine, the production of France, are imported to some extent into the United States; and the government of that country now claims that, under a correct construction of the act, these imitations ought not to pay a higher duty than that imposed upon the original port wine of Portugal. It appears to me to be unequal and unjust, that French imitations of port wine should be subjected to a duty of fifteen cents, while the more valuable article from Portugal should pay a duty of six cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late President, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texan Government against the United States, which had been previously adjusted, so far as the powers of the Executive extend. These claims arose out of the act of disarming a body of Texan troops under the command of Major Snively, by an

officer in the service of the United States, acting under the orders of our Government; and the forcible entry into the custom-house at Bryarly's Landing, on Red River, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt, ascertained to be due to Texas when an independent State. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the Senate in March last, shortly afterwards set out on his mission in the United States ship *Columbus*. On arriving at Rio de Janeiro on his passage, the state of his health had become so critical, that, by the advice of his medical attendants, he returned to the United States early in the month of October last. Commodore Biddle, commanding the East India squadron, proceeded on his voyage in the *Columbus*, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the Emperor of China. Since the return of the commissioner to the United States, his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America, which, following our example, have established their independence, while in others internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted, and their governments administered in a manner to protect the rights, and promote the prosperity of their people. It is contrary, however, to our settled policy, to interfere in their controversies, whether external or internal.

I have thus adverted to all the subjects connected with our foreign relations, to which I deem it necessary to call your attention. Our policy is not only peace with all, but good will towards all the powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differ-

ences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that in this enlightened age, these differences may be amicably adjusted.

The Secretary of the Treasury, in his annual report to Congress, will communicate a full statement of the condition of our finances. The imports for the fiscal year ending on the 30th of June last, were of the value of one hundred and seventeen millions two hundred and fifty-four thousand five hundred and sixty-four dollars, of which the amount exported was fifteen millions three hundred and forty-six thousand eight hundred and thirty dollars, leaving a balance of one hundred and one millions nine hundred and seven thousand seven hundred and thirty-four dollars for domestic consumption. The exports for the same year were of the value of one hundred and fourteen millions six hundred and forty-six thousand six hundred and six dollars; of which the amount of domestic articles was ninety-nine millions two hundred and ninety-nine thousand seven hundred and seventy-six dollars. The receipts into the Treasury during the same year were twenty-nine millions seven hundred and sixty-nine thousand one hundred and thirty-three dollars and fifty-six cents; of which there were derived from customs, twenty-seven millions five hundred and twenty-eight thousand one hundred and twelve dollars and seventy cents; from sales of public lands, two millions seventy-seven thousand and twenty-two dollars and thirty cents; and from incidental and miscellaneous sources, one hundred and sixty-three thousand nine hundred and ninety-eight dollars and fifty-six cents. The expenditures for the same period were twenty-nine millions nine hundred and sixty-eight thousand two hundred and six dollars and ninety-eight cents; of which eight millions five hundred and eighty-eight thousand one hundred and fifty-seven dollars and sixty-two cents were applied to the payment of the public debt. The balance in the Treasury on the 1st of July last was seven millions six hundred and fifty-eight thousand three hundred and six dollars and twenty-two cents.

The amount of public debt remaining unpaid on the 1st of October last, was seventeen millions seventy-five thousand four

hundred and forty-five dollars and fifty-two cents. Further payments of the public debt would have been made in anticipation of the period of its reimbursement under the authority conferred upon the Secretary of the Treasury by the acts of July 21, 1841, and of April 15, 1842, and March 3, 1843, had not the unsettled state of our relations with Mexico menaced hostile collision with that power. In view of such a contingency, it was deemed prudent to retain in the Treasury an amount unusually large for ordinary purposes.

A few years ago, our whole national debt growing out of the Revolution and the War of 1812 with Great Britain, was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time, the existing debt has been contracted; and small as it is, in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and, especially, if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the Treasury as they accrue, beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government, in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.

The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of Government. Congress may, undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discriminations should be within the revenue standard, and be made with a view to raise money for the support of Government.

It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be



exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish, or prohibit altogether, the importation of any given article, and thereby lessen or destroy the revenue which, at lower rates, would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of Government. If Congress levy a duty, for revenue, of one per cent on a given article, it will produce a given amount of money to the Treasury, and will incidentally and necessarily afford protection, or advantage, to the amount of one per cent to the home manufacturer of a similar or like article, over the importer. If the duty be raised to ten per cent, it will produce a greater amount of money, and afford greater protection. If it be still raised to twenty, twenty-five, or thirty per cent, and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to thirty-one per cent, and it is found that the revenue produced at that rate is less than thirty per cent, it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest, is the maximum rate of duty which can be laid for the *bona fide* purpose of collecting money for the support of Government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and, as they increase the duties the revenue is diminished or destroyed, the act ceases to have for its object the raising of money to support Government, but is for protection merely.

It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard; for such rates would probably produce a much larger amount than the economical administration of the Government would require. Nor does it follow that the duties on all articles should be at the same or a horizontal rate. Some articles will bear a much higher revenue duty than others.

Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, taking care so to adjust them on different articles as to produce in the aggregate the amount which, when added to the proceeds of the sales of public lands, may be needed to pay the economical expenses of Government.

In levying a tariff of duties, Congress exercises the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether, and permit their importation free of duty. On others they may impose low duties. In these classes may be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and the poor as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be on all classes, in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class, necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust.

The terms "protection to domestic industry" are of popular import; but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in "domestic industry," and is as much entitled to have his labor "protected," as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry" in their different pursuits. The joint labors of all these classes constitute the aggregate of the "domestic industry" of the Nation, and they are equally entitled to the Nation's "protection." No one of them can justly claim to be the exclusive recipients of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others.

If these views be correct, it remains to inquire how far the

tariff act of 1842 is consistent with them. That many of the provisions of that act are in violation of the cardinal principles here laid down, all must concede. The rates of duty imposed by it on some articles are prohibitory, and on others so high as greatly to diminish importations, and to produce a less amount of revenue than would be derived from lower rates. They operate as "protection merely" to one branch of "domestic industry" by taxing other branches.

By the introduction of minimums, or assumed and false values, and by the imposition of specific duties, the injustice and inequality of the act of 1842, in its practical operations on different classes and pursuits, are seen and felt. Many of the oppressive duties imposed by it under the operation of these principles, range from one per cent to more than two hundred per cent.

They are prohibitory on some articles, and partially so on others, and bear most heavily on articles of common necessity, and but lightly on articles of luxury. It is so framed that much the greatest burden which it imposes is thrown on labor and the poorer classes who are least able to bear it, while it protects capital, and exempts the rich from paying their just proportion of the taxation required for the support of Government. While it protects the capital of the wealthy manufacturer, and increases his profits, it does not benefit the operatives or laborers in his employment, whose wages have not been increased by it. Articles of prime necessity or of coarse quality and low price, used by the masses of the people are, in many instances, subjected by it to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits, except the capitalist who has made his investments in manufactures. All the great interests of the country are not, as nearly as may be practicable, equally protected by it.

The Government, in theory, knows no distinction of persons or classes, and should not bestow upon some favors and privileges which all others may not enjoy. It was the purpose of its illustrious founders to base the institutions which

they reared upon the great and unchanging principles of justice and equity, conscious that if administered in the spirit in which they were conceived, they would be felt only by the benefits which they diffused, and would secure for themselves a defense in the hearts of the people, more powerful than standing armies, and all the means and appliances invented to sustain governments founded on injustice and oppression.

The well-known fact, that the tariff act of 1842 was passed by a majority of one vote in the Senate and two in the House of Representatives, and that some of those who felt themselves constrained, under the peculiar circumstances existing at the time to vote in its favor, proclaimed its defects, and expressed their determination to aid in its modification on the first opportunity, affords strong and conclusive evidence that it was not intended to be permanent, and of the expediency and necessity of its thorough revision.

In recommending to Congress a reduction of the present rates of duty, and a revision and modification of the act of 1842, I am far from entertaining opinions unfriendly to the manufacturers. On the contrary, I desire to see them prosperous as far as they can be so, without imposing unequal burdens on other interests. The advantage under any system of indirect taxation, even within the revenue standard, must be in favor of the manufacturing interest; and of this no other interest will complain.

I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of *ad valorem* duties, as the fairest and most equitable indirect tax which can be imposed. By the *ad valorem* principle all articles are taxed according to their cost or value, and those which are of inferior quality, or of small cost, bear only the just proportion of the tax with those which are of superior quality, or greater cost. The articles consumed by all are taxed at the same rate. A system of *ad valorem* revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted, will afford ample incidental advantages to the manufacturers, and enable them to derive as great profits as can be derived from any other regular business. It



is believed that such a system, strictly within the revenue standard, will place the manufacturing interests on a stable footing, and inure to their permanent advantage; while it will, as nearly as may be practicable, extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent, and not be subject to the constant complaints, agitations, and changes which must ever occur, when duties are not laid for revenue but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

By the Constitution of the United States it is provided that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." A public treasury was undoubtedly contemplated and intended to be created, in which the public money should be kept from the period of collection until needed for public uses. In the collection and disbursement of the public money no agencies have ever been employed by law, except such as were appointed by the Government, directly responsible to it, and under its control. The safe keeping of the public money should be confided to a public treasury created by law, and under like responsibility and control. It is not to be imagined that the framers of the Constitution could have intended that a treasury should be created as a place of deposit and safe keeping of the public money which was irresponsible to the Government. The first Congress under the Constitution, by the act of the 2d September, 1789, "to establish the Treasury Department," provided for the appointment of a Treasurer, and made it his duty "to receive and keep the moneys of the United States," and "at all times to submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the moneys in his hands."

That banks, national or State, could not have been intended to be used as a substitute for the Treasury spoken of in the Constitution, as keepers of the public money, is manifest from

the fact, that at that time there was no national bank, and but three or four State banks of limited capital existed in the country. Their employment as depositories was at first resorted to, to a limited extent, but with no avowed intention of continuing them permanently, in place of the Treasury of the Constitution. When they were afterwards from time to time employed, it was from motives of supposed convenience.

Our experience has shown, that when banking corporations have been the keepers of the public money, and been thereby made in effect the Treasury, the Government can have no guaranty that it can command the use of its own money for public purposes. The late Bank of the United States proved to be faithless. The State banks, which were afterwards employed, were faithless. But a few years ago, with millions of public money in their keeping, the Government was brought almost to bankruptcy, and the public credit seriously impaired, because of their inability or indisposition to pay, on demand, to the public creditors, in the only currency recognized by the Constitution. Their failure occurred in a period of peace, and great inconvenience and loss were suffered by the public from it. Had the country been involved in a foreign war, that inconvenience and loss would have been much greater, and might have resulted in extreme public calamity. The public money should not be mingled with the private funds of banks or individuals, or be used for private purposes. When it is placed in banks for safe-keeping, it is in effect loaned to them without interest, and is loaned by them upon interest to the borrowers from them. The public money is converted into banking capital, and is used and loaned out for the private profit of bank stockholders; and when called for (as was the case in 1837), it may be in the pockets of the borrowers from the banks, instead of being in the public Treasury contemplated by the Constitution. The framers of the Constitution could never have intended that the money paid into the Treasury should be thus converted to private use, and placed beyond the control of the Government.

Banks which hold the public money are often tempted, by a desire to gain, of extend their loans, increase their circulation, and thus stimulate, if not produce a spirit of speculation

and extravagance, which sooner or later must result in ruin to thousands. If the public money be not permitted to be thus used, but be kept in the Treasury and paid out to the public creditors in gold and silver, the temptation afforded by its deposit with banks to an undue expansion of their business, would be checked, while the amount of the Constitutional currency left in circulation would be enlarged, by its employment in the public collections and disbursements, and the banks themselves would, in consequence, be found in a safer and sounder condition.

At present, State banks are employed as depositories, but without adequate regulation of law, whereby the public money can be secured against the casualties and excesses, revulsions, suspensions, and defalcations, to which, from overissues, overtrading, an inordinate desire for gain, or other causes, they are constantly exposed. The Secretary of the Treasury has in all cases, when it was practicable, taken collateral security for the amount which they hold, by the pledge of stocks of the United States, or such of the States as were in good credit. Some of the deposit banks have given this description of security, and others have declined to do so.

Entertaining the opinion that "the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people," I recommend to Congress that provision be made by law for such separation, and that a Constitutional Treasury be created for the safe-keeping of the public money. The Constitutional Treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation. I can not doubt that such a Treasury as was contemplated by the Constitution, should be independent of all banking corporations. The money of the people should be kept in the Treasury of the people created by law, and be in the custody of agents of the people chosen by themselves, according to the form of the Constitution; agents who are directly responsible to the Government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds,

and for any failure in other respects to perform their duties. To say that the people of their Government are incompetent, or not to be trusted with the custody of their own money, in their own Treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations, not appointed by them, nor responsible to them, would be to concede that they are incompetent for self-government.

In recommending the establishment of a Constitutional Treasury, in which the public money shall be kept, I desire that adequate provision be made by law for its safety, and that all Executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursements in pursuance of appropriations made by law.

Under our present land system, limiting the minimum price at which the public lands can be entered to one dollar and twenty-five cents per acre, large quantities of lands of inferior quality remain unsold, because they will not command that price. From the records of the General Land Office it appears, that, of the public lands remaining unsold in the several States and Territories in which they are situated, thirty-nine millions one hundred and five thousand five hundred and seventy-seven acres have been in the market, subject to entry, more than twenty years; forty-nine millions six hundred and thirty-eight thousand six hundred and forty-four acres for more than fifteen years; seventy-three millions seventy-four thousand and six hundred acres for more than ten years; and one hundred and six millions one hundred and seventy-six thousand nine hundred and sixty-one acres for more than five years. Much the largest portion of these lands will continue to be unsalable at the minimum price at which they are permitted to be sold, so long as large territories of lands from which the more valuable portions have not been selected are annually brought into market by the Government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators in limited quantities. If graduated and reduced in price for a limited term to one dollar per acre, and after the expiration of that period, for a second and third term to lower rates,



a large portion of these lands would be purchased, and many worthy citizens, who are unable to pay higher rates, could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price, these inferior lands will be sold for their real value, while the States in which they lie will be freed from the inconvenience, if not injustice, to which they are subjected, in consequence of the United States continuing to own large quantities of public lands within their borders, not liable to taxation for the support of their local governments.

I recommend the continuance of the policy of granting pre-emptions, in its most liberal extent, to all those who have settled, or may hereafter settle, on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. It has been found by experience, that in consequence of combinations of purchasers and other causes, a very small quantity of the public lands, when sold at public auction, commands a higher price than the minimum rate established by law. The settlers on the public lands are, however, but rarely able to secure their homes and improvements at the public sales at that rate; because these combinations, by means of the capital they command, and their superior ability to purchase, render it impossible for the settler to compete with them in the market. By putting down all competition, these combinations of capitalists and speculators are usually enabled to purchase the lands, including the improvements of the settlers, at the minimum price of the Government, and either turn them out of their homes, or extort from them, according to their ability to pay, double or quadruple the amount paid for them to the Government. It is to the enterprise and perseverance of the hardy pioneers of the West, who penetrate the wilderness with their families, suffer the dangers, the privations, and hardships attending the settlement of a new country, and prepare the way for the body of emigrants who, in the course of a few years, usually follow them, that we are, in a great degree, indebted for the rapid extension and aggrandizement of our country.

Experience has proved that no portion of our population are more patriotic than the hardy and brave men of the frontier,

or more ready to obey the call of their country, and to defend her rights and her honor, whenever and by whatever enemy assailed. They should be protected from the grasping speculator, and secured, at the minimum price of the public lands, in the humble homes which they have improved by their labor. With this end in view, all vexatious or unnecessary restrictions imposed upon them by the existing pre-emption laws, should be repealed or modified. It is the true policy of the Government to afford facilities to its citizens to become the owners of small portions of our vast public domain at low and moderate rates.

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million of acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was \$6,354.74, while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were twenty-six thousand one hundred and eleven dollars and eleven cents—the income being less than one-fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur, while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of

the present system, and that these lands be placed under the superintendence and management of the General Land Office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners and settlers upon them, at the minimum price which may be established by Congress.

I refer you to the accompanying report of the Secretary of War, for information respecting the present situation of the army, and its operations during the past year; the state of our defenses; the condition of the public works; and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report, in relation to these prominent objects of national interest.

When orders were given during the past summer for concentrating a military force on the western frontier of Texas, our troops were widely dispersed, and in small detachments, occupying posts remote from each other. The prompt and expeditious manner in which an army, embracing more than half our peace establishment, was drawn together on an emergency so sudden, reflects great credit on the officers who were intrusted with the execution of these orders, as well as upon the discipline of the army itself.

To be in strength to protect and defend the people and territory of Texas, in the event Mexico should commence hostilities, or invade her territories with a large army, which she threatened, I authorized the general assigned to the command of the army of occupation to make requisitions for additional forces from several of the States nearest the Texan territory, and which could most expeditiously furnish them, if, in his opinion, a larger force than that under his command, and the auxiliary aid which, under like circumstances, he was authorized to receive from Texas, should be required. The contingency upon which the exercise of this authority depended, has not occurred. The circumstances under which two companies of State artillery from the city of New Orleans were sent into

Texas, and mustered into the service of the United States, are fully stated in the report of the Secretary of War. I recommend to Congress that provision be made for the payment of these troops, as well as the small number of Texan volunteers, whom the commanding general thought it necessary to receive or muster into our service.

During the last summer, the first regiment of dragoons made extensive excursions through the Indian country on our borders, a part of them advancing nearly to the possessions of the Hudson's Bay Company in the north, and a part as far as the South Pass of the Rocky Mountains, and the head-waters of the tributary streams of the Colorado of the West. The exhibition of this military force among the Indian tribes in those distant regions, and the councils held with them by the commanders of the expeditions, it is believed, will have a salutary influence in restraining them from hostilities among themselves, and maintaining friendly relations between them and the United States. An interesting account of one of these excursions accompanies the report of the Secretary of War. Under the directions of the War Department, Brevet Captain Fremont, of the corps of topographical engineers, has been employed since 1842 in exploring the country west of the Mississippi, and beyond the Rocky Mountains. Two expeditions have already been brought to a close, and the reports of that scientific and enterprising officer have furnished much interesting and valuable information. He is now engaged in a third expedition; but it is not expected that this arduous service will be completed in season to enable me to communicate the result to Congress at the present session.

Our relations with the Indian tribes are of a favorable character. The policy of removing them to a country designed for their permanent residence west of the Mississippi, and without the limits of the organized States and Territories, is better appreciated by them than it was a few years ago; while education is now attended to, and the habits of civilized life are gaining ground among them.

Serious difficulties of long standing continue to distract the several parties into which the Cherokees are unhappily divided. The efforts of the Government to adjust the difficulties between



them have heretofore proved unsuccessful; and there remains no probability that this desirable object can be accomplished without the aid of further legislation by Congress. I will, at an early period of your session, present the subject for your consideration, accompanied with an exposition of the complaints and claims of the several parties into which the nation is divided, with a view to the adoption of such measures by Congress as may enable the Executive to do justice to them respectively, and to put an end, if possible, to the dissensions which have long prevailed, and still prevail, among them.

I refer you to the report of the Secretary of the Navy for the present condition of that branch of the national defense, and for grave suggestions, having for their object the increase of its efficiency, and a greater economy in its management. During the past year, the officers and men have performed their duty in a satisfactory manner. The orders which have been given, have been executed with promptness and fidelity. A larger force than has often formed one squadron under our flag, was readily concentrated in the Gulf of Mexico, and apparently without unusual effort. It is especially to be observed, that notwithstanding the union of so considerable a force, no act was committed that even the jealousy of an irritated power could construe as an act of aggression; and that the commander of the squadron, and his officers, in strict conformity to their instructions, holding themselves ever ready for the most active duty, have achieved the still purer glory of contributing to the preservation of peace. It is believed that at all our foreign stations the honor of our flag has been maintained, and that, generally, our ships of war have been distinguished for their good discipline and order. I am happy to add, that the display of maritime force which was required by the events of the summer, has been made wholly within the usual appropriations for the service of the year; so that no additional appropriations are required.

The commerce of the United States, and with it the navigating interest, have steadily and rapidly increased since the organization of our Government, until, it is believed, we are now second to but one power in the world, and at no distant day we shall probably be inferior to none. Exposed as they

must be, it has been a wise policy to afford to these important interests protection with our ships of war, distributed in the great highways of trade throughout the world. For more than thirty years appropriations have been made, and annually expended, for the gradual increase of our naval forces. In peace, our navy performs the important duty of protecting our commerce; and, in the event of war, will be, as it has been, a most efficient means of defense.

The successful use of steam navigation on the ocean has been followed by the introduction of war-steamers in great and increasing numbers into the navies of the principal maritime powers of the world. A due regard to our own safety and to an efficient protection to our large and increasing commerce demands a corresponding increase on our part. No country has greater facilities for the construction of vessels of this description than ours, or can promise itself greater advantages from their employment. They are admirably adapted to the protection of our commerce, to the rapid transmission of intelligence, and to the coast defense. In pursuance of the wise policy of a gradual increase of our navy, large supplies of live-oak timber, and other materials for ship-building, have been collected, and are now under shelter and in a state of good preservation, while iron steamers can be built with great facility in various parts of the Union.

The use of iron as a material, especially in the construction of steamers, which can enter with safety many of the harbors along our coast now inaccessible to vessels of greater draught, and the practicability of constructing them in the interior, strongly recommends that liberal appropriations should be made for this important object. Whatever may have been our policy in the earlier stages of the Government, when the Nation was in its infancy, our shipping interests and commerce comparatively small, our resources limited, our population sparse, and scarcely extending beyond the limits of the original thirteen States, that policy must be essentially different now that we have grown from three to more than twenty millions of people—that our commerce, carried in our own ships, is found in every sea, and that our territorial boundaries and settlements have been so greatly expanded. Neither our commerce, nor our

long line of coast on the ocean and on the lakes, can be successfully defended against foreign aggression by means of fortifications alone. These are essential at important commercial and military points, but our chief reliance for this object must be on a well-organized, efficient navy. The benefits resulting from such a navy are not confined to the Atlantic States. The productions of the interior which seek a market abroad, are directly dependent on the safety and freedom of our commerce. The occupation of the Balize below New Orleans by a hostile force would embarrass, if not stagnate, the whole export trade of the Mississippi, and affect the value of the agricultural products of the entire valley of that mighty river and its tributaries.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defense on the land must be mainly on our citizen soldiers, who will be ever ready, as they ever have been ready in times past, to rush with alacrity, at the call of their country, to her defense. This description of force, however, can not defend our coasts, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our navy.

Considering an increased naval force, and especially of steam vessels, corresponding with our growth and importance as a nation, and proportioned to the increasing naval force of other nations, of vast importance as regards our safety, and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

The report of the Postmaster-General herewith communicated, contains a detailed statement of the operations of his Department during the past year. It will be seen that the income from postages will fall short of the expenditures for the year between one and two millions of dollars. This deficiency has been caused by the reduction of the rates of postage, which was made by the act of the 3d of March last. No principle has been more generally acquiesced in by the people than that this Department should sustain itself by limiting its expendi-

tures to its income. Congress has never sought to make it a source of revenue for general purposes, except for a short period during the last war with Great Britain, nor should it ever become a charge on the General Treasury. If Congress shall adhere to this principle, as I think they ought, it will be necessary either to curtail the present mail service, so as to reduce the expenditures, or so to modify the act of the 3d of March last as to improve its revenues. The extension of the mail service, and the additional facilities which will be demanded by the rapid extension and increase of population on our western frontier, will not admit of such curtailment as will materially reduce the present expenditures. In the adjustment of the tariff of postages, the interest of the people demands that the lowest rates be adopted which will produce the necessary revenue to meet the expenditures of the Department. I invite the attention of Congress to the suggestions of the Postmaster-General on this subject, under the belief that such a modification of the late law may be made as will yield sufficient revenue without further calls on the Treasury, and with very little change in the present rates of postage.

Proper measures have been taken, in pursuance of the act of the 3d of March last, for the establishment of lines of mail steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

With the growth of our country, the public business which devolves on the heads of the several Executive Departments has greatly increased. In some respects, the distribution of duties among them seems to be incongruous, and many of these might be transferred from one to another with advantage to the public interests. A more auspicious time for the consideration of this subject by Congress, with a view to system in the organization of the several Departments, and a more appropriate division of the public business, will not probably occur.

The most important duties of the State Department relate to our foreign affairs. By the great enlargement of the family of nations, the increase of our commerce, and the corresponding extension of our consular system, the business of this Department



has been greatly increased. In its present organization, many duties of a domestic nature, and consisting of details, are devolved on the Secretary of State, which do not appropriately belong to the Foreign Department of the Government, and may properly be transferred to some other Department. One of these grows out of the present state of the law concerning the Patent Office, which, a few years since, was a subordinate clerkship, but has become a distinct bureau of great importance. With an excellent internal organization, it is still connected with the State Department. In the transaction of its business, questions of much importance to inventors, and to the community, frequently arise, which, by existing laws, are referred for decision to a board, of which the Secretary of State is a member. These questions are legal, and the connection which now exists between the State Department and Patent Office, may, with great propriety and advantage, be transferred to the Attorney-General.

In his last annual message to Congress, Mr. Madison invited attention to a proper provision for the Attorney-General, "as an important improvement in the executive establishment." This recommendation was repeated by some of his successors. The official duties of the Attorney-General have been much increased within a few years, and his office has become one of great importance. His duties may be still further increased with advantage to the public interests. As an executive officer, his residence and constant attention at the seat of Government are required. Legal questions involving important principles, and large amounts of public money, are constantly referred to him by the President and Executive Departments for his examination and decision. The public business under his official management before the judiciary has been so augmented by the extension of our territory, and the acts of Congress authorizing suits against the United States for large bodies of valuable public lands, as greatly to increase his labors and responsibilities. I therefore recommend that the Attorney-General be placed on the same footing with the heads of the other Executive Departments, with such subordinate officers, provided by law for his Department, as may be required to discharge the additional duties which have been or may be devolved upon him.

Congress possess the power of exclusive legislation over the

District of Columbia; and I commend the interests of its inhabitants to your favorable consideration. The people of this district have no legislative body of their own, and must confide their local as well as their general interests to representatives in whose election they have no voice, and over whose official conduct they have no control. Each member of the National Legislature should consider himself as their immediate representative, and should be the more ready to give attention to their interests and wants, because he is not responsible to them. I recommend that a liberal and generous spirit may characterize your measures in relation to them. I shall be ever disposed to show a proper regard for their wishes, and, within Constitutional limits, shall at all times cheerfully co-operate with you for the advancement of their welfare.

I trust it may not be deemed inappropriate to the occasion for me to dwell for a moment on the memory of the most eminent citizen of our country, who, during the summer that is gone by, has descended to the tomb. The enjoyment of contemplating, at the advanced age of near fourscore years, the happy condition of his country, cheered the last hours of Andrew Jackson, who departed this life in the tranquil hope of a blessed immortality. His death was happy, as his life had been eminently useful. He had an unfaltering confidence in the virtue and capacity of the people, and in the permanence of that free Government which he had largely contributed to establish and defend. His great deeds had secured to him the affections of his fellow-citizens, and it was his happiness to witness the growth and glory of his country, which he loved so well. He departed amid the benedictions of millions of free-men. The Nation paid its tribute to his memory at his tomb. Coming generations will learn from his example the love of country and the rights of man. In his language on a similar occasion to the present, "I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions, and with an earnest supplication, that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels."

This long message was, perhaps, not without defects, even from an annexationist's point of view. The President was quite premature in his enthusiasm over the bloodless acquisition of Texas. The blood was yet to come; and enough to make it a dear, and not even yet a wholly honorable, accession to this country, in the estimation of many; an achievement that stands recorded in history, without an entire unanimity of sentiment, at all events, even in America. In view of the facts that Texas had for eight or nine years maintained an independence of Mexico, and that the United States and other nations had recognized this independence, which they had a right to do, the absolute right of the United States to accept and provide for the annexation of Texas to this country, should, perhaps, not be disputed. But to say that Mexico could not complain on account of this course on the part of the United States was begging the question, as that was the whole burden of her complaint; and this country had no ground for expecting that she would not complain. Mexico yet claimed all of Texas, to the very border of Louisiana, and was at war with Texas, still regarding her as a revolted province, and if this Government had the right to annex Texas, she must reasonably have expected to accept the state of war with Mexico, which she did at once, by putting her army and navy in position for that purpose.

The President thought this country had cause for war with Mexico on account of insults and injuries committed by authority of that government on our

citizens, and which yet remained mainly unsettled; but no declaration of war was recommended by him owing to the effort Mr. Slidell was then making to negotiate with Mexico.

The next important matter before the country, the dispute with Great Britain as to the north-western boundary, is handled with much plainness, if not severity, by the President, and the Monroe Doctrine reasserted forcibly. In the Presidential campaign of 1844, it had been maintained that Mr. Polk would defend the American claim to the whole of the territory joining Russia on the Pacific in  $54^{\circ} 40'$ , and in his inaugural address, Mr. Polk asserted the American right to all of this territory with unnecessary stiffness under the circumstances. It now appeared from his message that during recent negotiations he had proposed a settlement of the dispute on the  $49^{\circ}$ , but Britain rejecting his terms, he had again asserted the right of this country to the southern border of the Russian possessions, and withdrawn the former offer to England, now asking or recommending Congress to provide for giving that government a year's notice with a view of terminating the joint occupation of the territory on the Pacific.

The message indicates an ill-feeling toward Great Britain, and suggests the view that war with that nation was possible, if not desirable. Although there was a furious assault made upon the President and his friends for backing down from the campaign bluster and pretensions concerning all of the disputed territory, by some of the Whigs and most of the



Democrats, who had made the "canvass" of 1844 on the promise that no settlement would be accepted which did not recognize  $54^{\circ} 40'$  of north latitude as the northern boundary; and although there was general surprise in the revelation that this line had been abandoned for a time, and any doubt thrown on the "indisputable" right of this country to that line, yet the President's reasons for the course pursued were certainly good and honorable, and there can be no doubt as to his own desire to adhere to his original announcement and convictions touching the ownership of the territory. Thomas H. Benton and others opposing the annexation of Texas except by treaty, held that the United States had no rights on the Pacific north of the  $49^{\circ}$ , and President Polk may subsequently have doubted the correctness of his position on the subject, but he mainly adhered to the view that the plan of settlement was a compromise and involved the usual concessions.

This message contains a very plain statement of the tariff and revenue question, and maintains the view of tariff for revenue only as against protection, but with much more moderation than has usually marked the division of parties on the subject. The question of disposing of the public lands is discussed with care, the independent or Constitutional Treasury of Mr. Van Buren abandoned under Mr. Tyler, is earnestly advocated, and other important matters treated with fairness and confidence. This message is exceedingly valuable as an authentic sketch of the affairs of the country.

## CHAPTER X.

OREGON —  $54^{\circ} 40'$  ABANDONED — BLUSTER ABOUT WAR  
WITH ENGLAND—SETTLEMENT ON THE  $49^{\text{TH}}$  DEGREE—  
THE TREATY—"FIRST MISSTEP" OF PRESI-  
DENT POLK.

MANY of the Democratic newspapers were open in their support of a warlike attitude towards Great Britain, and the demand was loud and determined in favor of maintaining the claim to the line of fifty-four degrees and forty minutes of north latitude for the northern boundary of the United States on the Pacific Coast, according to the pledges and pretensions of the Presidential campaign of 1844. The settlement of the Oregon difficulty now became a matter of the first importance to Congress. The views of the leading politicians of this country were greatly divided on the Oregon question, and the "indisputable" rights of this country in the case, however much they might have desired the general acknowledgment of the doctrine that Americans should control America, as Thomas Jefferson, J. Q. Adams, and Mr. Monroe had declared. Much of the intense feeling against the advocates of the  $49^{\circ}$  for the northwestern boundary arose, perhaps, from a want of correct information on the subject. It was, in fact, involved in a long process of history not by

any means very clear, yet the British settlers on the northwest and the advocates of the English side in England seemed at no loss in coming to the conclusion that the demands of the people of this country were utterly preposterous.

England claimed Oregon by priority of discovery, taking formal possession, actual settlement, and contiguity of territory, or, as the pathologist would say, by continuity of structure. The British asserted that Sir Francis Drake discovered the Pacific coast as far north as the forty-third parallel in 1579, and called the country New Albion. In 1778, they placed their next date, Captain Cook in that year reaching the forty-fourth parallel, discovered Nootka Sound, and explored the coast to some extent to the Aleutian Islands, not, however, observing the mouth of the Columbia River, and his voyage amounting to little, as his object was not the discovery of new countries. In 1792 and 1793 Captain Vancouver and his lieutenant, Broughton, explored the Strait of Fuca, Puget Sound, and the Columbia River, one hundred miles up from its mouth, under orders of the British Government. Berkeley and two or three other Englishmen had previously visited points on this coast. And, in 1793, Alexander MacKenzie made quite extensive researches on the coast and its rivers, it is claimed, under authority of the government.

All this was, perhaps, with the view of permanently settling the country. But the first British settlement, in form or under authority of any kind,

was made under the North-western Fur Company in 1813, on the Columbia River. From this period British occupancy of the territory north of that river has remained unbroken. And England claimed that her right by contiguity was established by the fact that her Canadian possessions jutted into this western coast country. She held that America had no right to this territory except what she got from the discoveries of Spain. By the purchase of Louisiana in 1803, they claimed that the territory added to this country extended on the north to a line running from the Mississippi from its source to the Rocky Mountains; on the west, to these mountains only; and on the south to the Gulf of Mexico. The British also claimed that the expedition made by Captain Gray, of Boston, to the Columbia River in 1792, was that of a private individual, and denied that it had any bearing upon the question of the rights of this Government, and even denied, or doubted, that Gray did more than enter the inlet to the river, perhaps knowing nothing of its existence. They also claimed that the settlement made by one Captain Smith, of Boston, on the Columbia in 1810, and that of John J. Astor at Astoria, in 1811, were individual enterprises, and that Astor sold out his claims to the North-western Fur Company; and that the claim of the United States, as derived from Spain, was of little or no weight, as Spain had abandoned the country.

England complained, at the beginning of Mr. Polk's term, of the intemperate and extravagant and



warlike talk and bluster in this country on account of this boundary dispute, not to say anything of such gross misrepresentations as that England had, in 1713, at the treaty of Utrecht, made over to Spain forever all her title to the northwest coast of North America, when that treaty makes no reference to that coast. Up to the Treaty of Florida, in 1819, Spain claimed all of this Oregon territory to the Russian border, although she had made no settlements, and had, in treaty with England in 1790, admitted that country to certain privileges with her on the Pacific coast north of Nootka Sound. At that time Great Britain had no intention of permanently colonizing the Pacific coast, and extending her laws over it. Hunting, fishing, and trading were her objects. If Spain had any right to Oregon, then the United States acquired it by treaty with her. Her discoveries on the Pacific coast of North America certainly antedated those of Great Britain, even allowing the claims of Sir Francis Drake. For, as early as 1543, the Spaniards reached the 43° of north latitude on that coast. In 1592, Juan de Fuca entered the strait that bears his name. In 1774, Juan Perez discovered and located Nootka Sound in 49° 30'; and, in the following year, Bruno Heceta discovered the Columbia River, and called it Rio de San Roque. From time to time the Spanish navigators made voyages to this north-western coast after that date, never finally relinquishing their right to the country till 1819. All of these explorers were operating directly under the authority

of the Spanish Government. Perez was sent out by the viceroy of Mexico, and explored much of the coast from the undisputed Spanish territory in California, at least to the  $54^{\circ}$  of north latitude. Mexico regarded the  $42^{\circ}$  as the northern boundary of California. And the United States claimed that Oregon extended from that parallel to  $54^{\circ} 40'$  or  $61^{\circ}$ , and from the Rocky Mountains to the Pacific. Russia claimed from  $54^{\circ} 40'$  to the frozen zone, and nobody disputed her claim.

Spain began, in the latter half of the eighteenth century to feel great repugnance to the appearance of English adventurers on the Pacific coast of North America; and well she might, for many of them, as Drake, Cavendish, and others, had had little else in view than the robbing and plundering of her unprotected and wealthy settlements and merchantmen.

In 1788, Meares, an Englishman, but without authority of his government or any other, and sailing under a Portuguese flag, took post at Nootka Sound, and began trading with the Indians. Mexico sent Martinez with three armed vessels up there to drive him from their possessions, which was readily done. At this time Martinez built a fort at Nootka. But Martinez seized the Englishmen and their ship, and thus brought matters to a warlike status between Spain and England. Spain demanded a satisfactory recognition of her rights on the Pacific coast, not considering that any other power had any rights there south of  $54^{\circ} 40'$ . England demanded satisfaction for the outrage on Meares and his men. War

was at last prevented by the Convention of the Escorial, or Nootka Sound Convention, as it was sometimes termed, in 1790. By this treaty Meares's property was restored, also the lands he claimed at Nootka, to the latter of which he had not a shadow of right, and England was allowed equal rights or privileges with Spain in fishing, trading, and navigating the Pacific Ocean, and in making settlements on unoccupied lands north of the  $38^{\circ}$  or  $42^{\circ}$ . It does not appear in this treaty that England then claimed any more than a right to navigate, trade, and establish or hold trading-posts on the coast. Nor does it appear that Spain relinquished her claim to the sole proprietorship of the entire coast. It was merely courtesy on her part to prevent war. As to the question of contiguity of territory no other claimant to Oregon stood on a comparative footing with Spain. This country was but the natural continuation of her California and Mexican territory. Under her authority most of the entire coast had been explored with a view of holding it all as her own possessions. But the affairs of Spain becoming more seriously involved in 1795, she ceased to give her attention to the Oregon territory, and, although her war with England in the following year destroyed the obligations of the Nootka Convention of 1790, she never again made an effort to settle or defend the territory which she had always held to be her own. By the purchase of Louisiana the United States claimed the right to extend her authority south of the forty-ninth parallel to the Pacific. And

in 1819, by the Treaty of Florida, all the rights of Spain, whatever they were north of the 42°, on the Pacific coast of North America, were ceded to the United States.

Besides these acquired rights the United States added the right of discovery by her own citizens. In 1789 Robert Gray, of Boston, made some explorations on the Oregon coast, and, early in 1792, discovered and entered the Columbia River. From 1789 to 1792, Gray, Kendrick, Ingraham, and other fur-traders explored a great part of the Oregon coast; but none of these men operated under the authority of the United States Government. In 1811 J. J. Astor, of New York, made the settlement, Astoria, near the mouth of the Columbia, on its left bank, as a center for carrying on the operations of the Pacific Fur Company. In 1813 this company sold out to the British Northwest Company, and, late in 1813, a British war vessel captured the American settlement which Astor had planted. In 1805, Mr. Jefferson authorized Lewis and Clark to cross the Rocky Mountains and explore the head-waters of the Columbia, and from this time some attention began to be directed towards the permanent settlement and occupancy of Oregon. In 1820 Congress made some recommendations as to its occupation. From the time Astor established the post of Astoria Americans began to settle on the Columbia River and in other parts of Oregon. Quite a number of missionaries went over there, and while they taught the natives Christianity, they located lands and made



farms as citizens of the United States. In the latter occupation the British North-western Company traders thought them much more successful than in the former, and looked with disgust and chagrin upon the fact that nothing in America could be held as clear and safe from the grasp of the ubiquitous Yankee.

When the War of 1812 was ended, England surrendered Astoria to the United States as coming under the first article of the Treaty of Ghent. In the "convention" or treaty with England, in 1818, the following arrangement was entered into:—

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country, the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

In 1827 this convention was substantially continued, with the provision that a year's notice should be given if either contracting party desired to end it; and this remained in force until 1846. In the treaty between Russia and this Government in 1824,

the boundary between them on the American Pacific coast was fixed at  $54^{\circ} 40'$ , as follows :—

“It is, moreover, agreed, that hereafter there shall not be formed by the citizens of the United States, or under the authority of the United States, any establishment upon the northwest coast of America, nor in any of the islands adjacent *to the north* of fifty-four degrees and forty minutes of north latitude; and, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.”

To this England not only raised no objection, but, in 1825, she accepted the same boundary in a treaty with Russia. By the treaty with France in 1763, England was so far from caring to hold any claims to the country west of the Mississippi, that she agreed that “the confines between the dominions of his Britannic Majesty in that part of the world (America) shall be fixed irrevocably, by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river and the lakes, Maurepas and Pontchartrain, to the sea.” The English found great fault with the American pretensions to the Pacific coast on account of the explorations of Robert Gray, John Kendrick, and their companions, and also to the settlements of missionaries and others in that region, because they were not under the direct supervision of the Government. But that objection was not well taken, as no settlement was made by the British on the Pacific coast under governmental support or with the

protection of the law until 1813. And Drake, Cavendish, Meares, Berkeley, and most of the earlier British adventurers to this coast were not only private individuals, without the least sanction of government, but were only in search of prey, and had not, it appears, the least idea of making settlements for the occupation of the country, nor were they explorers beyond the necessities of the voyages. Drake's expedition, besides being so notoriously disreputable as to disgrace the history of the age, had some remarkable features about it. After going up to the  $42^{\circ}$  or  $43^{\circ}$ , somewhere, he found it becoming too cold to suit him, and without caring for what he left behind him, made back, and about the  $38^{\circ}$  entered a harbor, where he remained some time, allowed himself to be crowned king by the Indians, and cut some other capers. Some others of these early English adventurers on the Pacific coast were merely in search of plunder, and were little less deserving of respect than was Drake, and the mark they left behind them did not merit the consideration ordinarily given to respectable private citizens, who are supposed to carry in themselves the flag and authority or protection of their government wherever they go. Even republics are no exception to this general principle. But however great the authority of a government over its citizens, it may be a question as to how far its power extends into their private lives, or how far the government may lay claim to benefits derived from the unauthorized acts of its citizens. The Spanish explorers and navigators on the Pacific

coast were mainly in the service of their country. Viewing the whole history of the coast question, President Tyler claimed Oregon as territory of the United States, and believed this country fully justified in holding for the line of  $54^{\circ} 40'$  of north latitude, and under his direction negotiations had been entered into for a settlement with England with this claim in view, as set forth in the preceding volume of this work. The Democratic platform of 1844 had declared unconditionally for  $54^{\circ} 40'$  for all of Oregon; and the campaign which resulted in the election of Mr. Polk was fought on the part of the Democrats, with the cry of the whole of Oregon or nothing. At that time Mr. Polk fully sanctioned the position of his party, and then in his inaugural address he had boldly reannounced the claim. He had scarcely entered upon his administration when Secretary of State, Mr. Buchanan, found himself face to face with this Oregon boundary question. The failure of the negotiations and the conclusion of the President as to the matter are fully set forth in his first annual message.

Mr. Benton gives the following description of the proceedings on the subject under President Polk up to this juncture:—

“The new President, Mr. Polk, elected under that cry, came into office on the 4th of March, and acting upon it, put into his inaugural address a declaration that our title to the whole of Oregon (meaning up to  $54^{\circ} 40'$ ) was clear and indisputable; and a further declaration that he meant to maintain that title. It was certainly an unusual



thing, perhaps unprecedented in diplomacy, that, while negotiations were depending (which was still the case in this instance, for the last note of Mr. Calhoun in January, declining the arbitration, gave as a reason for it that he expected the question to be settled by negotiation), one of the parties should authoritatively declare its right to the whole matter in dispute, and show itself ready to maintain it by arms. The declaration in the inaugural had its natural effect in Great Britain. It roused the British spirit as high as that of the American. Their excited voice came thundering back, to be received with indignation by the great Democracy; and war, '*inevitable war*,' was the cry through the land. The new Administration felt itself to be in a dilemma. To stand upon 54° 40' was to have war in reality; to recede from it might be to incur the penalty laid down in the Baltimore platform. Mr. Buchanan, the new Secretary of State, did me the honor to consult me. I answered him promptly and frankly, that I held 49° to be the right line, and that, if the Administration made a treaty upon that line, I should support it. This was early in April. The Secretary seemed to expect some further proposition from the British Government; but none came. The rebuff in the inaugural address had been too public and too violent to admit that government to take the initiative again. It said nothing; the war cry continued to rage; and at the end of four months our Government found itself under the necessity to take the initiative, and recommence negotiations as the means of avoiding war. Accordingly, on the 22d of July, Mr. Buchanan (the direction of the President being always understood) addressed a note to Mr. Pakenham, resuming the negotiation at the point at which it had been left by Mr. Calhoun; and, conforming to the offer that he had made, and because he had made it, again proposed the line of 49° to the ocean. The British Minister again refused that line, and inviting a

'fairer' proposition. In the meantime the offer 49° got wind. The Democracy was in commotion. A storm was got up (foremost in raising which was the new Administration organ, Mr. Ritchie's 'Daily Union'), before which the Administration quailed, recoiled, and withdrew its offer of 49°. There was a dead pause in the negotiation again; and so the affair remained at the meeting of Congress, which came together under the loud cry of war, in which Mr. Cass was the leader, but followed by the body of the Democracy, and backed and cheered on by the Democratic press, some hundreds of papers. Of course, the Oregon question occupied a place, and a prominent one, in the President's Message (which has been noticed), and, on communicating the failure of the negotiation to Congress, he recommended strong measures for the security and assertion of our title. The delivery of the notice which was to abrogate the joint occupation of the country by the citizens of the two powers, was one of these recommendations, and the debate upon that question brought out the full expression of the opinions of Congress upon the whole subject, and took the management of the question into the hands of the Senate and House of Representatives."

While the debate on the Oregon question was in progress, it became apparent that the Administration was disposed to accept the forty-ninth parallel, and amicably settle the difference with England, if that government would make such an offer. To prepare the Democrats and others who had stood on 54° 40,' William H. Haywood, Senator from North Carolina, in a speech before the Senate:—

"Took a view of the course which had been pursued by the President, approving of the offer of the parallel of 49° to Great Britain, and maintaining that there was nothing in the language of the President to render it

improper in him to negotiate hereafter on that basis, notwithstanding this rejection. He regarded the negotiation as still open; and he would not do the President so much wrong as to suppose that, if we passed the notice, and thus put into his hand a great moral weapon, that he could be guilty of so miserable a trick as to use it to the dishonor of his country on the one hand, or to the reckless provocation of a war on the other. Believing that the Administration stood committed to accept an offer of a division of the territory on the parallel of 49°, or substantially that, he should sustain the Executive in that position. He expressed his conviction that, whatever might be his individual opinions, the President, as General Washington did in 1796, would fulfill his obligations to the country; that, whenever the interests of the country required it, he would sacrifice his own opinions to the sense of his official duty. He rebuked the cry which had been set up by some of the friends of the President, which placed him in the position of being the mere organ of the Baltimore Convention, and declared that, if he could believe that the Executive would permit the resolution of that Convention to overrule his duty to his country, he would turn his back upon him. Mr. Haywood then proceeded to deduce, from the language and acts of the Executive, that he had not put himself in a position which imposed on him the necessity of refusing to negotiate on the parallel of 49°, should negotiation be resumed on that basis. In this respect, the President did not occupy that attitude in which some of his friends wished to place him. It ought to be borne in mind that Great Britain had held occupancy for above forty years; and it was absurd to suppose that, if we turn suddenly upon her and tell her she must quit, that she will not make resistance. And he asked what our Government would be likely to do if placed in a similar position and reduced to the same alternative. No one could contend for a moment that the

rejection of the offer of 49° by Great Britain released the President from the obligation to accept that offer whenever it should again be made. The question was to be settled by compromise ; and, on this principle, the negotiation was still pending. It was not to be expected that a negotiation of this kind could be carried through hastily. Time must be given for communication with the British Government, for proper consideration and consultation ; and true politeness requires that ample time should be given for this purpose. It is obvious that Great Britain does not consider the negotiation terminated, as she would have recalled her minister ; and the President can not deem it closed, or he would have made a communication to Congress to that effect. The acts of the President were not such as to justify any apprehensions of a rupture ; and from that, he did not ask for the notice in order that he might draw the sword and throw away the scabbard. The falsehood of any such charge is proved by the fact that he has asked for no enlargement of the annual appropriations ; on the other hand, his estimates are rather diminished. Knowing him to be honest, he (Mr. Haywood) would acquit him of any such imputation of moral treason, which would subject him to the reprobation of man and the anger of his God. Mr. Haywood then referred to the divisions which had sprung up in the Democratic party, the tendency of which is to destroy the party by cutting off its heads. This question of Oregon had been turned into a party question for the purpose of President-making. He repudiated any submission to the commands of factious meetings, got up by demagogues for the purpose of dictating to the Senate how to make a treaty, and felt thankful that North Carolina had never taken this course. He did not regard such proceedings as indicative of that true Democracy which, like a potato, grew at the root, and did not, like the spurious Democracy, show itself from the blossom. The creed of the



Baltimore Convention directs the party to re-annex Texas and to *re-occupy* Oregon. Texas had been re-annexed, and now we are to go for the *re-occupation* of Oregon. Now, Old Oregon, embracing all the territory on which American foot ever trod, comprised merely the valley of Willamette, which did not extend above 49°; and, consequently, this portion was all which could be contemplated in the expression 're-occupation,' as it would involve an absurdity to speak of re-occupying what we had never occupied. Referring to the history of the annexation of Texas, he cited the impossibility of getting Texas through, until the two questions had been made twin sisters by the Baltimore Convention. Then Texas passed the House and came into the Senate, followed so closely by Oregon, that they seemed to be akin."

This speech of Mr. Haywood's was taken as the expression of the President's position, which, indeed, was true, yet with all the efforts of the opponents of its sentiments Mr. Haywood could not be induced to divulge this fact. E. A. Hannegan, of Indiana, asked if Mr. Haywood was speaking the views of the President, and then said:—

"I do not deem it material whether the Senator from North Carolina gives a direct answer to my question or not. It is entirely immaterial. He assumes—no, he says there is no assumption about it—that there is no meaning in language, no truth in man, if the President anywhere commits himself to 54° 40', as his flattering friends assume for him. Now, sir, there is no truth in man, there is no meaning in language, if the President is not committed to 54° 40' in as strong language as that which makes up the Holy Book. From a period antecedent to that in which he became the nominee of the Baltimore Convention, down to this moment, to all the world he stands committed for

54° 40'. I go back to his declaration made in 1844, to a committee of citizens of Cincinnati, who addressed him in relation to the annexation of Texas, and he there uses this language, being then before the country as the Democratic candidate for the chair he now fills."

After showing that the whole Democratic party stood on the boundary of 54° 40', Mr. Hannegan said :—

"The Democratic party is thus bound to the whole of Oregon, every foot of it; and let the Senator rise in his place who will tell me in what quarter of this Union, in what assembly of Democrats in this Union, pending the Presidential election, the names of Texas and Oregon did not fly together, side by side, on the Democratic banners. Everywhere they were twins—everywhere they were united. Does the Senator from North Carolina suppose that he, with his appeals to the Democracy, can blind our eyes, as he thinks he tickled our ears? He is mistaken. 'Texas and Oregon' can not be divided; they dwell together in the American heart. Even in Texas, I have been told the flag of the lone star had inscribed on it the name of Oregon. Then, it was all Oregon. Now, when you have got Texas, it means just so much of Oregon as you in your kindness and condescension think proper to give us. You little know us, if you think the mighty West will be trodden on in this way. . . . The Senator in his defense of the President, put language into his mouth which I undertake to say the President will repudiate, and I am not the President's champion. I wish not to be his champion. I would not be the champion of power. I defend the right, and the right only. But, for the President, I deny the intentions which the Senator from North Carolina attributes to him—intentions which, if really entertained by him, would make him an infamous

man—aye, an infamous man. He (Mr. Haywood) told the Senate yesterday—unless I grossly misunderstood him, along with several friends around me—‘that the President had occasionally stickings-in, parenthetically, to gratify—what?—the ultraisms of the country and of party; whilst he reposed in the White House with no intentions of carrying out these parenthetical stickings-in.’ In plain words, he represents the President as parenthetically sticking in a few hollow and false words to cajole the ‘ultraisms of the country?’ What is this, need I ask, but charging upon the President conduct the most vile and infamous? If this allegation be true, these intentions of the President must sooner or later come to light, and when brought to light, what must follow but irretrievable disgrace? So long as one human eye remains to linger on the page of history, the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never be able to drag him forth. . . . So far as the whole tone, spirit, and meaning of the remarks of the Senator from North Carolina are concerned, if they speak the language of James K. Polk, then James K. Polk has spoken words of falsehood with the tongue of a serpent.”

Wm. Allen, of Ohio, and Lewis Cass, of Michigan, were among the bitter opponents of surrendering any of Oregon, and in favor of maintaining the position to which their party had been unqualifiedly pledged. Mr. Benton was the leader of the advocates of the parallel of 49°, and of those who now began to lean that way, and he came with all his available force to the support of the new turn in the negotiations. Mr. Benton had the virtue of consistency to strengthen him at the outset. He was one of the very few

leading Democrats, who, throughout the Presidential campaign, and at all times, was not only satisfied with  $49^{\circ}$ , but also contended that the American claim to  $54^{\circ} 40'$  was wholly unfounded and the merest pretense.

While John Quincy Adams was Secretary of State the question of the north-western boundary became a serious matter of discussion with the Minister Plenipotentiary of England, and in 1823, Mr. Monroe and his Cabinet would not only have accepted a settlement on the 49th parallel to the Pacific, but really only claimed that line as belonging to this country, beyond doubt. Mr. Adams then argued that the territory rightfully belonged to this country on the Pacific extending from the  $42^{\circ}$  to the  $49^{\circ}$ , by the Treaty of Florida in 1819, by the discovery of the Columbia River in 1792, by the discovery and exploration of its upper parts in 1805 by Lewis and Clarke, and by its settlement in 1811. In the convention in London in 1818, this boundary had been contended for, but not  $54^{\circ} 40'$ , and that convention suspended the extension of that line ( $49^{\circ}$ ) to the Pacific, when it was well established east of the Rocky Mountains. Mr. Jefferson had also supported our right to the  $49^{\circ}$ , as indisputable, in 1807. Yet many able men in all positions had held ever since the subject was brought into public notice, on the grounds heretofore mentioned, that the rights of this country were good beyond the mere spirit of cavil, to  $54^{\circ} 40'$ , and, to a great extent, in diplomatic affairs, that claim had been set forward, as a matter



of course, and even England had not made any effort to remove the impression. The only thing now to be regretted, perhaps, in the whole matter, is that the United States did not only not prove or sustain her title to 54° 40', in the amicable settlement of 1846, but also that this Government was not able to possess the whole continent to the North Pole, as England accused her of wanting to do. Such a disposition of the British possessions would have been a splendid compliment to the Monroe Doctrine, and ended the interminable war-breeding disputes between the old and the new English-speaking peoples.

The first thing touching this question after the assembling of Congress in 1845, was a provision for carrying out the President's recommendation for notifying Great Britain of the desire of this country to end the joint occupation of Oregon, as provided for in the "convention" of 1827. Although there was a determined opposition to any such measure, in both Houses, the following joint resolution was finally passed:—

"With a view, therefore, that steps be taken for the abrogation of the said convention of the 6th of August, 1827, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory—

*"Resolved*, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Great Britain, the notice required by the second

article of the said convention of the 6th of August, 1827, for the abrogation of the same.

“ C. J. INGERSOLL,

“ ROBERT DALE OWEN,

“ HENRY W. HILLYARD,

“ *Committee upon the part of the House.*

“ JOHN MCPHERSON BERRIEN,

“ THOMAS CORWIN,

“ WILLIAM H. HAYWOOD, JR.,

“ *Committee upon the part of the Senate.*”

In the Senate there were 14 votes against this act, its chief opponents being Lewis Cass, Jesse D. Bright, E. A. Hannegan, Daniel S. Dickinson, and William Allen (of Ohio). In the House J. Q. Adams led the votes for it, an act in which he was perhaps perfectly consistent, however, it may be held, he was departing from his usual far-reaching discernment.

President Polk chose, at once, to give notice to Great Britain, which was done in the following language, through the Minister resident at the English Court:—

“ Now, therefore, after a careful consideration of the premises, I, James K. Polk, President of the United States, in the exercise of the authority and discretion vested in me by the said ‘joint resolution concerning the Oregon Territory,’ and in pursuance of the second article of the convention of the 6th of August, 1827, therein mentioned, do hereby, in behalf of the United States, give notice to Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, that at the end of twelve months from and after the delivery of these presents by the Envoy Extraordinary and Minister Plenipotentiary of the United States at London to Her Britannic Majesty, or Her Maj-

esty's Principal Secretary of State for Foreign Affairs, the said convention shall be entirely annulled and abrogated.

"In testimony whereof, I have caused the seal of the United States to be hereunto affixed, given under my [L. s.] hand at the City of Washington, this 28th day of April, A. D. 1846, and of the independence of the said States the seventieth.

"By the President, JAMES K. POLK.  
"JAMES BUCHANAN, Secretary of State."

Great Britain did not desire to go to war on account of this Oregon dispute, and Mr. Polk and his Cabinet, as well as many leading men of both parties, saw that this country could not afford to precipitate a war with England while Mexico demanded all her attention. England renewed the effort to negotiate, offering now to settle on the 49th parallel, as had been proposed by the United States. This placed the President in an unpleasant predicament; and in order to get him out of it, it was decided to fall back on the Senate, and ask its advice, and then, contrary to his own conviction, follow that advice. Accordingly on the 10th of June, 1846, he sent this message to the Senate :—

"TO THE SENATE OF THE UNITED STATES:—I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the 6th instant, by the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to the action which, in their judgment, it may be proper to take in reference to it.

"In the early periods of the Government, the opinion

and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign powers; and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in later times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war. On the present occasion, the magnitude of the subject would induce me, under any circumstances, to desire the previous advice of the Senate; and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the Executive. In conferring on the Executive the authority to give the notice for the abrogation of the convention of 1827, the Senate acted publicly so large a part, that a decision on the proposal now made by the British Government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the Senate to the proposal of the British Government for the settlement of the Oregon question, and ask their advice on the subject.



“My opinions and my action on the Oregon question were fully made known to Congress in my annual message of the 2d of December last; and the opinions therein expressed remain unchanged.

“Should the Senate, by the Constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such Constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer.

“I also communicate herewith an extract from a dispatch of the Secretary of State to the Minister of the United States at London, under the date of the 28th of April last, directing him, in accordance with the joint resolution of Congress ‘concerning the Oregon territory,’ to deliver the notice to the British Government for the abrogation of the convention of the 6th of August, 1827; and also a copy of the notice transmitted to him for that purpose, together with extracts from a dispatch of that minister to the Secretary of State, bearing date on the 18th day of May last.”

This plan was successful. The Senate was, by a considerable majority, favorable to the terms proposed by England. And by a resolution, carried by a vote of 38 to 12, the President was advised to accept the proposal of England. On the 16th of June, 1846, the President announced the result of the treaty to the Senate, which was ratified by that body two days afterwards by a vote of 41 to 14. The following is the treaty finally settling this old, troublesome, and evil question:—

## "OREGON TREATY.

"Convention between the United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington, the 15th of June, 1846.

"The United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both Governments, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement; that is to say, The President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, has, on her part, appointed the right honorable Richard Pakenham, a member of Her Majesty's most honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

"ART. I. From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the

middle of the said channel and of Fuca's Straits to the Pacific Ocean. *Provided, however,* that the navigation of the whole of the said channel and straits, south of the forth-ninth parallel of north latitude, remain free and open to both parties.

"ART. II. From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intending to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

"ART. III. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said territory, shall be respected.

"ART. IV. The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be

considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or any part thereof, the property so required shall be transferred to the said Government at a proper valuation, to be agreed upon between the parties.

“ART. V. The present treaty shall be ratified by the President of the United States, by and with the advice of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

“In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

“Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[ L. S. ]

“JAMES BUCHANAN.

[ L. S. ]

“RICHARD PAKENHAM.”

The part the President took in this Oregon muss, from the time he accepted the nomination in 1844 until its settlement in 1846, proved to be very unsatisfactory to many of his party friends, and their influence was lost throughout his Administration. Lucian B. Chase, of Tennessee, who wrote a good history of President Polk's record in the White House, plainly states that this was his first fatal error.



## CHAPTER XI.

GENERAL TAYLOR MARCHES TO THE RIO GRANDE—  
BEGINNING OF THE WAR WITH MEXICO—THE  
PRESIDENT'S SPECIAL MESSAGE.

THE great work now before the Administration was the prosecution of the war with Mexico. General Taylor had first been ordered by Secretary Marcy to be ready at a moment's notice to move for the defense of Texas, and then the greater part of the naval force was rendezvoused in the Gulf of Mexico, and the army finally landed, re-enforced, and equipped at Corpus Christi, the United States and Mexico both claiming all of Texas to the Rio Grande. The efforts of the Administration to open amicable relations with Mexico with a view to adjusting boundaries and difficulties were not likely to be successful. On the 20th of December, only fourteen days after Mr. Slidell arrived at the City of Mexico for this purpose, he was formally apprised that that government could not receive a "minister" from the United States. Of this state of affairs Mr. Slidell immediately notified his Government, and, on the 13th of January, 1846, only the day after his dispatch reached Washington, an order was issued from the War Department to General Taylor directing him to move to the Rio Grande. In August of the

preceding summer he had been authorized to call on Louisiana, Alabama, and, if necessary, Tennessee and Kentucky, for volunteers; and, during the same month, the Secretary of War notified the governors of those States to that effect. Several vessels were placed in the service during the year for carrying messages, supplies, and troops; and in the order to march to the Rio Grande General Taylor had also been empowered to call on Texas for troops if the case was pressing. In this order Mr. Marcy notified General Taylor that he should not dispute with the Mexicans the right of the United States (a right he claimed belonged to us) to navigate that river, without further advice from Washington. But still this order said:—

“It is not designed in our present relations with Mexico that you should treat her as an enemy; but, should she assume that character by a declaration of war, or an open act of hostility towards us, you will act not merely on the defensive, if your relative means enable you to do otherwise.”

On the 4th of February this instruction was received by General Taylor, and on the 8th of March the advance of the army, consisting of 4,000 officers and privates, including Ringgold's light artillery, under Colonel David E. Twiggs, moved toward Matamoros. On that day General Taylor also issued an order or proclamation, copies of which he sent to various points east of the Rio Grande (or as then much called, the Rio del Norte, or Rio Bravo del Norte), notifying the Mexicans that he was taking a

position on that river in accordance with the order of his Government, but that the rights of person and property should be respected, and it was hoped the movement would be of advantage to all concerned. With little obstruction the army reached Point Isabel on the 24th.

At the Colorado some Mexican soldiers or militia had appeared and threatened to begin hostilities if he attempted to cross that river, and before reaching Point Isabel a deputation from the prefect of Tamaulipas, Jennes Caudenas, met him with a protest against his advancing into the country. In this protest it was maintained that the country on the east of the Rio Grande had not at any time been included in the territorial claims of Texas, and that the people of Mexico would consider his invasion of the country as the beginning of the war. But Taylor established his depot of supplies at Point Isabel, and on the 28th of March took position opposite Matamoras on the Rio Grande with the main part of his army.

It is stated in Mansfield's history of the war with Mexico, that all this preparation for war, and the advance of the army to the Rio Grande had been made before the United States could have known the result of Mr. Slidell's negotiations. This is, however, an error. It was a mistake for the Whig and other opponents of this war to attempt to find, at this point, grounds of attack on Mr. Polk. Not until the day after Mr. Slidell had notified the Administration of the absolute refusal of the government of Perrera to receive him as Minister from the

United States, was General Taylor ordered to march to the Rio Bravo. So far as the Administration could tell, or there was any reasonable means of determining, it could not be understood otherwise than that the negotiations were at an end. The object of the Administration in sending a representative to Mexico in the capacity of Minister Plenipotentiary, when Mexico had pointedly stated that she would receive a commissioner only to settle the Texas question, and when it was understood on the 1st of March, 1845, that Mr. Polk was believed to be committed to the plan of annexation by negotiation, will appear, to some extent hereafter, in treating of the causes, responsibility, and results of the war. Mexico was in a state of revolution or anarchy, and three weeks after Mr. Slidell's arrival he saw the head of the government changed by military revolt, contrary to the wish of a majority of the people who had no voice in the matter. This change was made, as he knew, and had informed his Government was likely to be the case, by a determination of the leaders to fight the United States. Notwithstanding, the President authorized him to renew his efforts for recognition, under the new revolutionary leader, Paredes. On the 12th of March, only four days after the advance of General Taylor's army had marched for the Rio Grande, and before it was possible for the authorities in the City of Mexico to know of the movement, or the change in the American plans, Paredes' Minister of Foreign Affairs notified Mr. Slidell that the only recourse of Mexico was war.



And thus for a second time ended the efforts of the Administration for a peaceful settlement with Mexico. Not until after Mr. Slidell's first dismissal, was the army moved to the Rio Grande, and his second attempt was with the hope that this advancement, and other things, might induce Mexico to open negotiations or diplomatic relations. Yet it must appear that there was little foundation for such hope, and the movement of the army and preparation for resistance at the boundary of the Rio Grande were evidently made in the belief that there was no such foundation, and on the strength of the declaration of the Mexican Minister on the 20th of December, 1845, that a minister could not be received from the United States. Although it was well known that Mexico was in no condition to go to war, it was as well known that she would do so, and that she was then trying to unite her discordant elements, and raise an army, and money to sustain it, with a view of reasserting her rights over the country she still held as her own to the Sabine River.

On the 26th of April, General Taylor, seeing the certainty of the approaching conflict, and the inadequacy of his own force, requested Texas and Louisiana each to furnish four regiments for immediate service in his army. Fourteen days previously Pedro de Ampudia, who had on the 11th taken the chief command at Matamoras, had ordered Don Z. Taylor to break camp in twenty-four hours and march back to the Nueces from whence he came; and again notifying him that in case he did not comply he should be

responsible for the war which should follow; that come what may, his government "neither can, will, nor should receive new outrages." This pompous Spaniard on the 24th gave way to Mariano Arista, who on the same day wrote to General Taylor in the name of God and Liberty, that the United States Government was engaged in a war to enrich itself by humiliating its neighbor, and that the time had come to show the stuff of which Mexicans were made. Notwithstanding this windy display, Arista issued this address to the soldiers of foreign birth in General Taylor's army, inviting them to desert:—

"HEAD-QUARTERS AT MATAMORAS, April 26, 1846.

"SOLDIERS!—You have enlisted in time of peace to serve in that army for a specific term; but your obligation never implied that you were bound to violate the laws of God, and the most sacred rights of friends! The United States Government, contrary to the wishes of a majority of all honest and honorable Americans, has ordered you to take forcible possession of the territory of a friendly neighbor, who has never given her consent to such occupation. In other words, while there exists a treaty of peace and commerce between Mexico and the United States, the United States, presuming on her strength and prosperity, and on our supposed imbecility and cowardice, attempts to make you the blind instruments of her unholy and mad ambition, and force you to appear as the hateful robbers of our dear homes, and the unprovoked violators of our dearest feelings as men and patriots. Such villainy and outrage, I know, is perfectly repugnant to the noble sentiments of any gentleman, and it is base and foul to rush you on to certain death, in order to aggrandize a few lawless individuals, in defiance of the laws of God and man!

“It is to no purpose if they tell you, that the law of the annexation of Texas justifies your occupation of the Rio Bravo del Norte; for by this act they rob us of a great part of Tamaulipas, Coahuili, Chihuahua, and New Mexico; and it is barbarous to send a handful of men on such an errand against a powerful and warlike nation. Besides, the most of you are Europeans, and we are the declared friends of a majority of the nations of Europe. The North Americans are ambitious, overbearing, and insolent as a nation, and they will only make use of you as vile tools to carry out their abominable plans of pillage and rapine.

“I warn you in the name of justice, honor, and your own interests and self-respect, to abandon their desperate and unholy cause, and become peaceful Mexican citizens. I guarantee you, in such case, a half section of land, or three hundred and twenty acres, to settle upon, gratis. Be wise, then, and just, and honorable, and take no part in murdering us, who have no unkind feelings for you. Lands shall be given to officers, sergeants, and corporals, according to rank, privates receiving three hundred and twenty acres, as stated.

“If in time of action you wish to espouse our cause, throw away your arms and run to us, and we will embrace you as true friends and Christians. It is not decent or prudent to say more. But, should any of you render important service to Mexico, you shall be accordingly considered and preferred.”

Decency would have required Don Arista to say much less than he did. On the 2d of April Ampudia had sent into the American camp a similar address for the same purpose, to the English, French, Poles, and Germans, telling them that the Government existing under the Stars and Stripes was unworthy of

the name of Christian, and asking them to throw their fortunes with the magnanimous Mexican nation. A cause is certainly desperate which would need to be supported by such means. The unmanly insincerity, and utterly shallow pretense and false, pompous braggadocio of these and many of the official letters, papers, etc., of the Mexican leaders during this war, must excite nothing but disgust and contempt, however much the general condition of Mexico was deserving of sympathy, or however widely men, intelligent, well-read men, may differ as to the justice of their charges against this country.

These appeals to the soldiers under General Taylor were not without effect, as incredible as it would seem. A number of them did actually desert, and some of them were shot and killed in attempting to swim the Rio Grande to accept the adventure and generous offers of leaders whose promises never could be made good, and who were themselves, at all times, liable to become the victims of revolt and anarchy.

On the 24th of April, hearing that the Mexicans were crossing the river in force, above his camp, General Taylor sent Captain Thornton with a company of dragoons to reconnoiter. Thornton conducted his observations with more courage than discretion, and fell into the hands of a large force of Mexicans, by whom he was beaten and his whole force killed or captured. This was really the first engagement, and the beginning of the war, although Captain Truman Cross, the quartermaster of the army, had



been murdered while riding beyond the camp, and several other outrages committed by the Mexicans.

Considerable numbers of Mexicans were now found to be crossing the river, evidently with the purpose of cutting off General Taylor's communication with his supplies at Point Isabel, and of attacking his position opposite Matamoras. Leaving five hundred men, infantry and artillery, at the now nearly completed fort he had been building under the command of Major Jacob Brown, on the first day of May, Taylor, with the remainder of his army, marched for the relief of Point Isabel, with which all communication had been cut off. This movement the Mexicans took for a retreat, and believing themselves on the point of destroying or driving from the country the whole American army, they at once set into great rejoicings. Messages were sent to Paredes, the newspapers abounded with glowing bombast, and at Matamoras, and on the border of the Rio Bravo, the people were wild with excitement.

Under the supposition that the Mexicans were fighting men, or were really able to contend with the Americans, even at any reasonable odds, the position of General Taylor did not appear hopeful at this period. He had been authorized to act on the defensive only, and yet there had been no declaration of war on the part of his Government. While his army was in direct communication with the Gulf there could be little difficulty in reference to supplies, but with all the quiet efforts of the Secre-

taries of War and the Navy, the means of land transportation had not been supplied him as the case now began to demand. The Administration was not yet prepared for the war. No direct steps had been made in that direction by Congress. And although Mr. Polk was deeply censured for placing Taylor with an inadequate force, incompletely equipped, where it was liable to be cut off at any time without the means of succor, yet there was little else the Administration could do if the army were held in the disputed territory at all, even after the 13th of February, when General Taylor had been ordered to move to the Rio Grande. It is true, that between that time and the first day of May, a thousand teams and wagons might have been conveyed with great ease to Point Isabel. But Mexico had not formally declared war. No overt act of hostility had presented the opportunity to the Administration to declare war. Had a vast army of horses and wagons been sent at great expense, without authority and prematurely to the Rio Grande by the Administration, that course would have been as unsparingly censured. When the news reached the United States that the Mexicans had actually begun hostilities, and the little that was generally known concerning the condition of General Taylor's army became greatly exaggerated, the most intense excitement prevailed. So soon as information of the beginning of hostilities on the Rio Grande reached Washington, on the 11th of May, the President sent the following message to Congress, explaining the prog-

ress of events, and the motives which had actuated the Administration, which, as far as it goes, must be taken as the exact history of the war up to that date :—

### MEXICAN WAR MESSAGE.

*May 11, 1846.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:—

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplomatic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican government on citizens of the United States, in their persons and property, were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I can not better express my present convictions of the condition of affairs up to that time than by referring you to that communication.

The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary, and other causes of difference with that power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me, in September last, to seek the reopening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results.

In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico, or defeat or delay a pacific result, was carefully avoided. An envoy of the United States repaired to Mexico

with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican government not only refused to receive him, or listen to his propositions, but, after a long-continued series of menaces, have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil.

It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made on the 13th of October, in 1845, in the most friendly terms, through our consul in Mexico, of the minister of foreign affairs, whether the Mexican government "would receive an envoy from the United States intrusted with full powers to adjust all the questions in dispute between the two governments;" with the assurance that "should the answer be in the affirmative, such an envoy would be immediately dispatched to Mexico."

The Mexican Minister, on the 15th of October, gave an affirmative answer to this inquiry, requesting, at the same time, that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as Envoy Extraordinary and Minister Plenipotentiary of the United States to Mexico, and was intrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens.

The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question in any correct view of the subject, involves that of the other. I could not, for a moment, entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed, or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city.



But the government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with the United States, and to receive our minister, to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it.

The government of General Herrera, there is good reason to believe, was sincerely desirous to receive our minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell, upon the most frivolous pretexts. These are so fully and ably exposed in the note of Mr. Slidell of the 24th of December last, to the Mexican Minister of Foreign Relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note, General Herrera yielded the government to General Paredes without a struggle, and on the 30th of December resigned the presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power of Mexico passed into the hands of a military leader.

Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the government of General Paredes, and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his administration would have been considered but a mere constitutional continuance of the government of General Herrera, and the refusal of the latter to receive our minister would have been deemed conclusive, unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor.

But the government of General Paredes owes its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican Minister of Foreign Relations, under date of the 1st of March last, asking to be received by that government in the diplomatic character to which he had been appointed. This minister, in his reply, under date of the 12th of March, reiterated the arguments of his predecessor, and in terms that may be considered as giving just grounds of offense to the Government and people of the United States, denied the application of Mr. Slidell. Nothing, therefore, remained for our envoy, but to demand his passports, and return to his own country.

Thus the government of Mexico, though solemnly pledged by official acts in October last, to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy, who came because they had bound themselves to receive him. Nor can it be said that the offer was fruitless from the want of opportunity of discussing it; our envoy was present on their own soil.

Nor can it be ascribed to a want of sufficient powers; our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable; permission was not even given our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion; the Mexican government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session, I informed you that upon the earnest appeal both of the Congress and convention of Texas, I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it

was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime, Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that republic. Its jurisdiction had been extended and exercised beyond the Nueces.

The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act of December 31, 1845, recognized the country beyond the Nueces as a part of our territory by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed by and with the advice and consent of the Senate.

It became, therefore, of urgent necessity to provide for the defense of that portion of our country. Accordingly, on the 13th of January last instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the south-western boundary of the State of Texas, is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government.

In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive acts toward Mexico, or Mexican citizens, and to regard the relations between that republic and the United States as peaceful, unless she should declare war, or commit acts of hostility, indicative of a state of war. He was especially directed to protect private property and respect personal rights.

The army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte, opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of field-works. A depot has also been established at Point Isabel, near the Brazos Santiago, thirty miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours, and to retire beyond the Nueces River, and in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced, and should prosecute them." A party of dragoons of sixty-three men and officers were on the same day dispatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross the river, "became engaged with a large body of these troops, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years, remain unredressed; and solemn treaties, pledging her public faith for this redress, have been disregarded. A government either unable or unwilling to enforce the execution of such treaties, fails to perform one of its plainest duties.



Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, while their appeals through their own government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good-will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and, in official proclamations and manifestoes, has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon, by every consideration of duty and patriotism, to vindicate, with decision, the honor, the rights, and the interests of our country.

Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure" against invasion, or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the States of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky; and corresponding letters were addressed to the respective Governors of those States.

These instructions were repeated; and in January last, soon

after the incorporation of "Texas into our Union of States," General Taylor, was further "authorized by the President to make a requisition upon the Executive of that State for such of its militia force as may be needed to repel invasion, or to secure the country against apprehended invasion." On the 2d day of March, he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need."

War actually existing, and our territory having been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the Governor of Texas for four regiments of State troops, two to be mounted, and two to serve on foot, and on the Governor of Louisiana for four regiments of infantry, to be sent to him as soon as practicable.

In further vindication of our rights and defense of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers, to serve for not less than six or twelve months, unless sooner discharged.

A volunteer force is, beyond question, more efficient than any other description of citizen soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force, and furnishing it with supplies and munitions of war.

The most energetic and prompt measures, and the immediate appearance in arms of a large and overpowering force, are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations, I deem it proper to declare that it is my anxious desire, not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment;

and, in this view, I shall be prepared to renew negotiations, whenever Mexico shall be ready to receive propositions, or to make propositions of her own.

I transmit herewith a copy of the correspondence between our Envoy to Mexico and the Mexican Minister for Foreign Affairs; and so much of the correspondence between that envoy and the Secretary of State, and between the Secretary of War and the general in command on the Del Norte, as are necessary to a full understanding of the subject.

## CHAPTER XII.

WAR PROCLAIMED—ACTS OF CONGRESS—FRENCH CLAIMS  
VETO—TWO MILLION MYSTERY—WILMOT PROVISIO—  
GENERAL SCOTT AND THE PRESIDENT—PALO  
ALTO AND RESACA DE LA PALMA.

ACCORDINGLY Congress passed an act on the 13th of May, only two days after receiving this message, by a vote of 142 to 14 in the House, and 40 to 2 in the Senate, declaring war with Mexico, authorizing not exceeding 50,000 volunteers to be raised for one year or the war, and making the necessary appropriations for equipping and supplying the army. On the same day the President issued his proclamation declaring war.

Although the measure leading to this result was finally carried by a remarkable display of unanimity, it had brought out a warm discussion on the origin and responsibility of the war, and a great deal of bitterness was manifested. In the Senate, Thomas Clayton, of Delaware, and John Davis, of Massachusetts, voted against the war measure, and Mr. Calhoun did not vote, although he was earnestly opposed to the war. In the House, John Quincy Adams headed the list of fourteen noes. But the wonderful unanimity of Congress in taking this stu-



pendous step did not, by any means, portray the real views of that body for and against the war or the course of conduct which had led to it. Many Democrats even, who voted for the war measure, did so because they could do no better than support and make the most of what they could not prevent. Mr. Benton thus speaks of the case :—

“ Early in May the President sent in a message to the two Houses of Congress, informing them that American blood had been spilt upon American soil ; and requesting Congress to recognize the existence of war, as a fact, and to provide for its prosecution. It was, however, an event determined upon before the spilling of that blood, and the advance of the troops was a way of bringing it on. The President in his message at the commencement of the session, after an enumeration of Mexican wrongs, had distinctly intimated that he should have recommended measures of redress if a minister had not been sent to effect a peaceable settlement ; but the minister having gone, and not yet been heard from, ‘ he should forbear recommending to Congress such ulterior measures of redress for the wrong and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.’ This was a declared postponement of war measures for a contingency which might quickly happen ; and did. Mr. Slidell, the minister, returned without having been received, and denouncing war in his retiring dispatch. The contingency had therefore occurred on which the forbearance of the President was to cease, and the ulterior measures to be recommended which he had intimated. All this was independent of the spilt blood ; but that event producing a state of hostilities in fact, fired the American blood, both in and out of Congress, and inflamed the country for immediate war. Without that event it

would have been difficult—perhaps impossible—to have got Congress to vote it; with it the vote was almost unanimous. Duresse was plead by many members—duresse in the necessity of aiding our own troops. In the Senate only two Senators voted against the measure, Mr. Thomas Clayton, of Delaware, and Mr. John Davis, of Massachusetts. In the House there were 14 negative votes: Messrs. John Quincy Adams, George Ashmun, Henry Y. Cranston, Erastus D. Culver, Columbus Delano, Joshua R. Giddings, Joseph Grinnell, Charles Hudson, Daniel P. King, Joseph M. Root, Luther Severance, John Strohm, Daniel R. Tilden, and Joseph Vance. Mr. Calhoun spoke against the bill, but did not vote upon it. He was sincerely opposed to the war, although his conduct had produced it, always deluding himself, even while creating the *status belli*, with the belief that money, and her own weakness, would induce Mexico to submit, and yield to the incorporation of Texas without forcible resistance; which would certainly have been the case if the United States had proceeded gently by negotiation. He had dispatched a messenger, to offer a *douceur* of ten millions of dollars at the time of signing the treaty of annexation two years before, and he expected the means, repulsed then, to be successful now when the incorporation should be effected under an act of Congress. Had he remained in the Cabinet, to do which he had not concealed his wish, his labors would have been earnestly directed to that end; but his associates who had co-operated with him in getting up the Texas question for the Presidential election, and to defeat Mr. Van Buren and Mr. Clay, had war in view as an object within itself from the beginning; and these associates were now in the Cabinet, and he not; their power increased, his gone. Claims upon Mexico, and speculations in Texas land and scrip, were with them (the active managing part of the Cabinet) an additional motive, and required a war, or a treaty under the menace of war, or at the end of war, to make these

claims and speculations available. • Mr. Robert J. Walker had the reputation of being at the head of this class.

“Many members of Congress, of the same party with the Administration, were extremely averse to this war, and had interviews with the Administration, to see if it was inevitable, before it was declared. They were found united for it, and also under the confident belief that there would be no war,—not another gun fired ; and that in ‘ ninety ’ or ‘ one hundred and twenty days,’ peace would be signed, and all the objects gained. This was laid down as a certainty, and the President himself declared that Congress would be ‘ responsible if they did not vote the declaration.’ Mr. Benton was struck with this confident calculation, without knowing its basis ; and with these ninety and one hundred and twenty days, the usual run of a country bill of exchange, and which was now to become the run of the war. It was enigmatical and unintelligible, but eventually became comprehensible. Truth was, an intrigue was laid for a peace before the war was declared ! and this intrigue was even part of the scheme for making the war. It is impossible to conceive of an Administration less warlike, or more intriguing, than that of Mr. Polk. They were men of peace, with objects to be accomplished by means of war ; so that war was a necessity and an indispensability to their purpose ; but they wanted no more of it than would answer their purposes. They wanted a small war, just large enough to require a treaty of peace, and not large enough to make military reputations, dangerous for the Presidency. Never were men at the head of a government less imbued with military spirit, or more addicted to intrigue. How to manage the war was the puzzle. Defeat would be ruin ; to conquer vicariously, would be dangerous.”

Under this act of Congress the President called on twelve States and the District of Columbia for 23,000 volunteers. The call was responded to with

great alacrity, and if it had asked for four times that number of men, it would, in like manner, have been complied with, so general was the desire, especially among the more adventurous and restless, to serve a campaign in a war which it was believed could not last but a few months. The States honored with this call were Ohio, Indiana, Illinois, Kentucky, Tennessee, Missouri, Arkansas, Mississippi, Alabama, Georgia, Texas, Maryland, and the District of Columbia.

There was little hindrance made to the passage of any measure called for by the Administration for the prosecution of the war. Provision was made for enlarging the regular army, and putting the navy on a war footing, as well as making some important additions to its force. A loan of ten millions of dollars was authorized to meet the immediate demands of the Government, and appropriations to the amount of twenty-two millions were granted with remarkable unanimity by Congress. During this busy session the Smithsonian Institute was established; provisional acts were passed for the admission of Wisconsin and Iowa as States; acts admitting the representatives from Texas to seats in both Houses of Congress, and a number of other measures. Two bills were passed, which, at this early period, called for the Executive veto. One of these was "an act making appropriations for the improvements of certain harbors and rivers." The fate of this measure might have been known before its construction. It embraced a large number of



items in several States, and opened up the whole question of internal improvements by the General Government. However undecided on this point Mr. Polk ever had been, he now was clearly opposed to it as impolitic and unconstitutional, and on the 3d of August returned the bill with his objections, the usual arguments of a great majority of his party leaders at that day. The other bill was "an act to provide for the ascertainment and satisfaction of claims of American citizens for spoliation committed by the French prior to the 31st of July, one thousand eight hundred and one." France had settled this question of indemnity to Americans in the treaty of 1803 with the United States, and now after nearly a half century, in the midst of war, Congress passed this bill providing for paying these doubtful old claims to the amount of \$5,000,000 in land scrip or mortgages on the public lands. The scheme had often been before Congress, but no such conclusion could be reached, even when the Nation was out of debt, and the treasury full, at one time so full that a foolish provision was made for loaning it or giving it to the States. On the 8th of August, two days before the adjournment of Congress, President Polk returned this remarkable bill with his objections, clearly, simply, and honorably expressed. The defeat of this scheme was certainly one of the most admirable and patriotic acts of his Administration, if it does, indeed, not outrank in those particulars all others, and well illustrated the virtue of the Executive veto provided in the Constitution.

The following is the message throttling this villainous French Claim scheme:—

TO THE SENATE OF THE UNITED STATES:—

I return to the Senate, in which it originated, the bill entitled “An act to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, one thousand eight hundred and one,” which was presented to me on the 6th instant, with my objections to its becoming a law.

In attempting to give to the bill the careful examination that it requires, difficulties presented themselves in the outset, from the remoteness of the period to which the claims belong, the complicated nature of the transactions in which they originated, and the protracted negotiations to which they led between France and the United States.

The short time intervening between the passage of the bill by Congress and the approaching close of their session, as well as the pressure of other official duties, have not permitted me to extend my examination of the subject into its minute details. But in the consideration which I have been able to give to it, I find objections of a grave character to its provisions. For the satisfaction of the claims provided for by the bill, it is proposed to appropriate five millions of dollars. I can perceive no legal or equitable ground upon which this large appropriation can rest. A portion of the claims have been more than half a century before the Government, in its executive or legislative departments; and all of them had their origin in events which occurred prior to the year 1800. Since 1802 they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time than has existed for nearly half a century, during all which period

this questionable measure has never until now received the favorable consideration of Congress. It is scarcely probable, if the claim had been regarded as obligatory upon the Government, or constituting an equitable demand upon the Treasury, that those who were contemporaneous with the events which gave rise to it should not long since have done justice to the claimants. The Treasury has often been in a condition to enable the Government to do so without inconvenience, if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the governments of the United States and France out of which the claims arose, in his annual message in 1808 adverted to the large surplus then in the Treasury, and its "probable accumulation," and inquired whether it should "lie unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognized or paid. Since that time the public debt of the Revolution and of the War of 1812 has been extinguished; and at several periods since, the Treasury has been in possession of large surpluses over the demands upon it. In 1836 the surplus amounted to many millions of dollars; and for want of proper objects to which to apply it, it was directed by Congress to be deposited with the States.

During this extended course of time, embracing periods eminently favorable for satisfying all just demands upon the Government, the claims embraced in this bill met with no favor in Congress beyond reports of committees in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims; more especially as all the information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give to the transactions in which they originated.

The bill assumes that the United States have become

liable, in these ancient transactions, to make reparation to the claimants for injuries committed by France. Nothing was obtained for the claimants by negotiation; and the bill assumes that the Government has become responsible to them for the aggressions of France. I have not been able to satisfy myself of the correctness of this assumption, or that the Government has become in any way responsible for these claims. The limited time allotted me before your adjournment precludes the possibility of reiterating the facts and arguments by which, in preceding Congresses, these claims have been successfully resisted.

The present is a period peculiarly unfavorable for the satisfaction of claims of so large an amount, and, to say the least of them, of so doubtful a character. There is no surplus in the Treasury. A public debt of several millions of dollars has been created within the last few years. We are engaged in a foreign war, uncertain in its duration and involving heavy expenditures, to prosecute which, Congress has at its present session authorized a further loan; so that in effect the Government, should this bill become a law, borrows money and increases the public debt to pay these claims.

It is true, that by the provisions of the bill payment is directed to be made in land scrip instead of money; but the effect upon the Treasury will be the same. The public lands constitute one of the sources of public revenue; and if these claims be paid in land scrip, it will from the date of its issue, to a great extent, cut off from the Treasury the annual income from the sales of the public lands, because payments for lands sold by the Government may be expected to be made in scrip until it is all redeemed. If these claims be just, they ought to be paid in money, and not in anything less valuable. The bill provides that they shall be paid in land scrip, whereby they are made in effect to be a mortgage upon the public lands in the new States; a mortgage, too, held



in great part, if not wholly, by non-residents of the States in which the lands lie, who may secure these lands to the amount of several millions of acres, and then demand for them exorbitant prices from the citizens of the States who may desire to purchase them for settlement; or they may keep them out of the market, and thus retard the prosperity and growth of the States in which they are situated. Why this unusual mode of satisfying demands on the Treasury has been resorted to, does not appear. It is not consistent with a sound public policy. If it be done in this case, it may be done in all others. It would form a precedent for the satisfaction of all other stale and questionable claims in the same manner, and would undoubtedly be resorted to by all claimants, who, after successive trials, shall fail to have their claims recognized and paid in money by Congress.

This bill proposes to appropriate five millions of dollars to be paid in land scrip, and provides that "no claim or memorial shall be received by the commissioners" authorized by the act, "unless accompanied by a release or discharge of the United States from all other and further compensation" than the claimant "may be entitled to receive under the provisions of this act." These claims are estimated to amount to a much larger sum than five millions of dollars, and yet the claimant is required to release to the Government all other compensation, and to accept his share of a fund which is known to be inadequate. If the claims be well founded, it would be unjust to the claimants to repudiate any portion of them, and the payment of the remaining sum could not be hereafter resisted. This bill proposes to pay these claims, not in the currency known to the Constitution, and not to their full amount.

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily claim the attention of Congress, and possibly without that

full and deliberate consideration which the large sum it appropriates and the existing condition of the Treasury and of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress. I have come to this conclusion with regret. In interposing my objections to its becoming a law, I am fully sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill passed by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

On the 4th of August, the President sent this strange message to the Senate:—

TO THE SENATE OF THE UNITED STATES:—

I herewith communicate to the Senate the copy of a letter, under date of the 27th ultimo, from the Secretary of State of the United States to the Minister of Foreign Relations of the Mexican Republic, again proposing to open negotiations and conclude a treaty of peace, which shall adjust all the questions in dispute between the two republics. Considering the relative power of the two countries, the glorious events which have already signalized our arms, and the distracted condition of Mexico, I did not conceive that any point of national honor could exist which ought to prevent me from making this overture. Equally anxious to terminate, by a peace honorable for both parties, as I was originally to avoid the existing war, I have deemed it my duty again to extend the olive-branch to Mexico. Should the government of that republic accept the offer in the same friendly spirit by which it was dictated, negotiations will speedily commence for the conclusion of a treaty.

The chief difficulty to be anticipated in the negotiation is the adjustment of the boundary between the parties, by a line which shall at once be satisfactory and

convenient to both, and such as neither will hereafter be inclined to disturb. \* This is the best mode of securing perpetual peace and good neighborhood between the two republics. Should the Mexican Government, in order to accomplish these objects, be willing to cede any portion of their territory to the United States, we ought to pay them a fair equivalent; a just and honorable peace, and not conquest, being our purpose in the prosecution of the war.

Under these circumstances, and considering the exhausted and distracted condition of the Mexican Republic, it might become necessary, in order to restore peace, that I should have it in my power to advance a portion of the consideration money for any cession of territory which may be made. The Mexican Government might not be willing to wait for the payment of the whole until the treaty could be ratified by the Senate, and an appropriation to carry it into effect be made by Congress; and the necessity for such a delay might defeat the object altogether. I would, therefore, suggest whether it might not be wise for Congress to appropriate a sum such as they might consider adequate for this purpose, to be paid, if necessary, immediately upon the ratification of the treaty by Mexico. This disbursement would of course be accounted for at the Treasury, not as secret service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history, during the Administration of Mr. Jefferson, to which I would call your attention. On the 26th of February, 1803, Congress passed an act appropriating two millions of dollars "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may

be;" and, on the 13th of February, 1806, an appropriation was made of the same amount, and in the same terms. The object, in the first case, was to enable the President to obtain the cession of Louisiana; and, in the second, that of the Floridas. In neither case was the money actually drawn from the Treasury; and I should hope that the result might be similar, in this respect, on the present occasion, though the appropriation is deemed expedient as a precautionary measure.

I refer the whole subject to the Senate in executive session. If they should concur in opinion with me, then I recommend the passage of a law appropriating such a sum as Congress may deem adequate, to be used by the Executive, if necessary, for the purpose which I have indicated.

In the two cases to which I have referred, the special purpose of the appropriation did not appear on the face of the law, as this might have defeated the object; neither, for the same reason, in my opinion, ought it now to be stated.

I also communicate to the Senate the copy of a letter from the Secretary of State to Commodore Conner of the 27th ultimo, which was transmitted to him on the day it bears date.

Only four days after the appearance of this message Mr. Polk sent almost the same communication to both Houses, urging the appropriation of two millions of dollars to his private purposes in treating with Mexico, if the occasion, or a certain occasion, presented itself. These messages were then mysterious and inexplicable, even to many Democratic Congressmen. Yet a bill was provided in compliance with them, appropriating three millions of dollars for the unknown purpose. David Wilmot, of



Pennsylvania, a supporter of the Administration in the House, offered the following proviso to the bill: "That there shall be neither slavery nor involuntary servitude in any territory on the continent of America, which shall hereafter be acquired by, or annexed to, the United States by virtue of this appropriation, or in any other manner whatsoever, except for crimes whereof the party shall have been duly convicted. *Provided, always,* that any person escaping to such territory, from whom labor or service is lawfully claimed, in any one of the United States, such fugitive may be lawfully reclaimed and conveyed out of said territory to the person claiming his or her labor or service."

4 This "Wilmot Proviso" started afresh the almost interminable war of slavery between the two political sections of the country, but it was incorporated with the Santa Anna purchase or territorial acquisition bill, and passed in the House by the support of nearly all the members from the Free States. In the Senate the "Proviso" was met by Mr. Calhoun and others, and in the midst of the discussion on the 10th of August, Congress adjourned. The purpose of the President's equivocal message, the intrigues connected with it, and the contingent circumstances and animus of the whole matter will appear, to some extent, in another chapter. It was an extraordinary affair, and presents a very remarkable case in our history. A precedent was, however, not wanting, and that the President gave, to some extent, as an apology. It is an interesting

instance of the ease with which even "strict constructionists" have been led into practices unknown to any constitutions but those of political and partisan ambition and intrigue.

A bill in conformity with the President's message as to the tariff was passed this session, but only one Whig in each House voted for it. To this act the Whigs traced the commercial and monetary crash, which was only delayed until 1857 by the flood of gold that the adventurous and aggressive spirit of the period of the Mexican War turned upon the country. An act favoring the re-establishment of the Subtreasury system of Mr. Van Buren, and for establishing revenue collections and disbursements in specie, became a law at this session.

The work of recruiting the army, and raising and equipping the large volunteer force, was at once begun with great spirit, under the direction of General Winfield Scott. On the 15th of May the plan of the campaign was fixed upon between the President, General Scott, and the Secretary of War. The main army was to operate from the Rio Grande; one division was to move from Fort Leavenworth, under General Stephen W. Kearney, into New Mexico and California; and the other division was to rendezvous at San Antonio, under General John E. Wool, subject to the orders of the commander of the main division on the Rio Grande. This division was to operate against the adjacent Mexican States. The whole plan of the campaign looked to the final capture of the City of Mexico by the way of Vera

Cruz, or otherwise, as events might indicate. Commodore Conner was also assigned the duty of blockading Mexican ports in the Gulf, and Commodore Sloat, then on the Pacific, was authorized to take possession of that coast as rapidly as his means would allow. Before the first day of September, 1846, the whole volunteer force called for was in the field, so great had been the activity of the military officials and the zeal of the people.

In the meantime some ill-feeling had arisen among the three leading characters in charge of the military management, President Polk, Secretary Marcy, and General Scott. At the outset the President had indicated to General Scott that he was expected to take the command in Mexico, and a week after this Mr. Marcy informed the General that there was no little impatience felt by his absence from the Rio Grande. But General Scott had his own notions about things. Provision had been made for the appointment of two additional major-generals, and the President had the authority to decide as to the character of the commands. Scott feared that a political general, a partisan favorite, might be set over him. Nor were his fears groundless, as it is not improbable that Mr. Polk was disposed at one time to appoint Thomas Hart Benton to be general-in-chief of the army. However this may have been, Scott rushed into a correspondence with Mr. Marcy, in which he seriously damaged his own reputation for a time, by declaring that he suspected things were not all right in Washington; that his energies were crippled by thinking so;

that he could not operate satisfactorily in the field until he knew that all was right in his own behalf at home; that he was not disposed to put himself in position to receive a fire in his rear from Washington and in his front from Mexico. The result was that he was, on the 25th of May, in a letter from the Secretary of War, notified that his post would be at Washington. The General answered back, and said he was ready to take the field whenever the President desired. But the President concluded to take his own time. This affair brought the ridicule of the country temporarily upon Scott, nor is it easy to see that he did not deserve some of it. His correspondence with Andrew Jackson many years before had been greatly to his credit, and had elevated him in the public esteem, but this time he had signally let himself down.

In the army of the United States the question of rank is almost of European importance, and a great deal of shameless snobbery is the result of it. No American general has been more exacting than General Scott as to matters of rank and seniority. In dealing with the stiff old General at this time, no doubt, President Polk took into the account the probable fire there might be in his own rear, as he could not have forgotten the most exasperating difficulties of Mr. Monroe and John Quincy Adams over this General, and his notions of military dignity and priority. The difficulty with General Scott at this time was more in a political than military way. In the War of 1812 he had established his reputation as a



soldier, and since he had become quite an important figure in public affairs. Before the Whig Conventions he had been favorably presented for the Presidency, and now he considered himself as the very probable nominee of that party at no distant period. His whimsical and trifling caper at this time was unfortunate, and it was only in Mexico that the splendid old soldier was enabled to recover his lost ground in the public regard.

In the meantime Taylor had been attacked by the Mexicans, and had defeated them in the battles of Palo Alto and Resaca de la Palma, and on the 18th of May, 1846, had crossed the Rio Grande, and, without opposition, taken possession of Matamoras, a series of what were termed brilliant events, reserved for detailed description in the next succeeding volume of this work.

A long season of comparative inactivity was now passed through by the "Army of Occupation," as the army under General Taylor had hitherto been called. The causes of this "masterly inactivity" do not now appear very clear or satisfactory. It was a war in which it was not desirable to concentrate honors too much. Indeed, it was a part of the general plan to distribute the honors widely. It was to be the opportunity of a life-time for acquiring laurels, compensatory for other wants in subsequent political adventures. General Taylor had received re-enforcements sufficient by the middle of July to enable him to move upon Monterey, but he was still on the Rio Grande in September. While

at Corpus Christi and Matamoras his means of transportation were of little consequence, but now he found himself without facilities for an overland campaign. General Taylor laid the cause of his delay at the door of the supply department, and entered a formal complaint against it, but not until the 1st of September. General Thomas S. Jesup, who was quartermaster-general, with head-quarters at New Orleans, and who had gained deserved distinction in the War of 1812, laid the blame on Taylor himself, and accused him of not making requisitions for what he wanted, and of depending upon agents of his own selection. But while Jesup's defense and charges as to the course of General Taylor in the matter of supplies must be taken with some grains of allowance, it is not at all certain that Taylor could not have bettered his condition by taking more direct personal interest in it in time. No war in which the United States had yet been engaged was so much a political war as this with Mexico, and hence in none other had there been so much intrigue, so much management, and so many party and personal ends to subserve. This fact throws over the events of the times an air of suspicion and unreliability which casts its shadow upon the researches of to-day. The road to truth, at best, is not unmixed with probability or doubt.

When hostilities began on the Rio Grande General Edmund P. Gaines was in command at New Orleans and this old officer helped materially to increase the bluster and confusion of which that place

was one of the chief seats. He not only filled the requisitions of General Taylor for men, but, with the best of intentions, over-filled them in every branch, and much of his recruiting being for three months' service, gave no little annoyance to the Administration, as only recruits for twelve months or the war could be taken into the army. From this source men were thrown upon Taylor in a way that led to his complaint. The result was that Gaines was taken off and stationed away up at New York, as far from the seat of war as possible.

Notwithstanding the long delay of three months in busy preparation for the invasion of Mexico from the Rio Grande, the conduct of the "Army of Occupation" was very satisfactory to the country. Congress advanced Taylor to the rank of major-general, and, from the former successes, it was the common sentiment that the new and thoroughly organized army would soon make an end to the whole business. In this feeling the Administration shared, but President Polk and his council had a secret additional ground for their belief. Camargo, a town on the west side of the Rio Grande, nearly two hundred miles above its mouth, was chosen by General Taylor as his depot of supplies, this being nearer Monterey, the strong position occupied by the Mexicans. Here about nine thousand troops were gathered, and, on the 5th of September, leaving two thousand at Camargo, and some small garrisons at other points that had fallen into the hands of the Americans, with over six thousand troops Taylor

moved towards Monterey. On the 19th the American army arrived before this place, which was then found to be defended by eight or ten thousand men under Pedro Ampudia. On the 21st the attack on the place began, and was continued until the evening of the 23d. On the 24th the Mexicans capitulated, and the following day General Taylor took possession of the city, and the military stores and works of the enemy. The terms of this capitulation were not well received by the people of the United States nor by the Administration. It granted an armistice of eight weeks, and had about it some other remarkable and unheard-of features. Yet General Taylor considered himself fully sustained by the circumstances in sanctioning it. His action was mainly based upon what he had good reasons for believing to be the wish of the authorities at Washington. A full examination of this matter, and all of General Taylor's services in this war may be found in another volume of this work. With the surrender of Monterey the conflict on the Rio Grande was mainly ended.



## CHAPTER XIII.

JOHN C. FREMONT—CONQUEST OF CALIFORNIA—THE  
“PATHFINDER’S” BEST ACHIEVEMENT.

JOHN C. FREMONT, a captain by brevet, and an officer of the engineer corps attached to the regular army of the United States, who had made two trips for exploration beyond the Rocky Mountains, was, in May, 1845, sent under order from the War Department, on another expedition to the same region. He was accompanied by a small, but well-equipped and well-armed force of sixty-two mounted men and a train of pack-horses. The objects of the expedition were, apparently, the location of a more southerly route to Oregon, and the further exploration of the mineral or other unknown wealth of that region. “Not an officer nor soldier of the United States army accompanied him, and his whole force consisted of sixty-two men, employed by himself for security against Indians, and for procuring subsistence in the wilderness and desert country through which he was to pass.” So said Secretary Marcy in his exulting report of this important expedition, in December, 1846. Several Delaware Indians constituted a part of this company, and acted as a sort of body-guard for Fremont, and the celebrated Kit

Carson was his guide, as he had been in the former expeditions, made in 1842 and 1843, under the direction of President Tyler. It was well understood at Washington that Upper California was in a semi-revolutionary condition, and that some sort of independence would ultimately take place. It was, perhaps, quite as well known, too, that England had her eye on California, and was watching and waiting for the time for her to take it as her own, or at least under her protection. Although President Polk and his Cabinet could not have designed Fremont's expedition as a military one with the direct purpose of conquest, yet it is not clear that it was not a part of their purpose to make a display of American interests in that region with a view to future contingencies. The original expeditions under the previous Administration had a strong tendency towards the ultimate ownership of a country then in need of the redeeming hand of American civilization, or which was about to become a prey to England.

The fact that Captain Fremont had with him no soldiers of the United States army had little to do with the case. No regular soldiers taken from the army could have been equal to his band of chosen companions, for the service for which they were designed, or the wild warlike one to which they were willingly turned. No men could have been better adapted to the scenes through which they were to pass. This Fremont well knew, although his thoughts had never, perhaps, been disturbed by visions of conquest. Great ignorance existed at that

day even, of the geography as well as the mineral wealth of the trans-Rocky Mountain country. Fremont's ambition was to put a true knowledge of all this region into the possession of the Government. Yet it is not to be supposed that an intelligent and adventurous officer, well informed as to the progress of affairs in America at the time, could have been ignorant of the benefits which would arise to his country by the possession of this vast region opening to the Pacific and extending its authority across the continent from ocean to ocean. The greater part of the territory he was to traverse then did nominally belong to another government, and his first tours, made without the authority of that government, were now known to be unfavorably regarded by it. And why should they not have been? His second expedition, although in most respects having the appearance of being devoted to scientific objects, more, perhaps, than this one, as it included in its outfit a refracting telescope, circles, two sextants, some chronometers, two barometers, thermometers, and a number of compasses, but it also had a twelve-pound brass howitzer, and three experienced artillerymen to manage it. His expeditions had become known to the authorities in Mexico, and it had been decided to break them up, if they were repeated. It was the last of January, 1846, when Fremont and his company halted within a hundred miles of Monterey in California, and he went forward himself to ask permission of the Mexican Governor, De Castro, to recruit his horses and rest awhile in the

valley of San Joaquin, before renewing his explorations towards the Columbia River. This permission he received, but early in March, he was apprised by Thomas O. Larkin, United States Consul at Monterey, that De Castro was preparing to attack him. He at once took a position on Hawk's Peak, a spur of the Sierra Nevada, and raising the American flag, returned word that they had determined to ask no quarters and fight to the last man, looking to their country for revenge. But De Castro concluded it would not be wise, on his part, to make an attack where there was so much doubt involved in the event, and sent a proposition to Fremont to join him in conducting a revolt against the Government of Mexico. Not wishing to involve himself or his Government, Fremont turned his back on the Spaniard, and on the 10th of March proceeded on his way towards Oregon. About the middle of May, in the neighborhood of Great Tlamath Lake, in that territory, he was overtaken by a Mr. Gillespie, a messenger direct from Washington City. He now turned his face towards California. The messenger had said, cultivate the good-will of the people, and guard against the interference of foreign powers. From this moment, at all events, the object of Captain Fremont's expedition was changed, and few more interesting politico-military adventures are to be found on the pages of modern history. From the conquest of California now about to be begun by this brevet captain of engineers, Mr. Polk's Administration reflected its highest glory. No



territorial acquisition, except that of 1803, has been so vast in its importance to the United States, and none have been obtained at so little expense. Fremont, who had in May, been commissioned lieutenant-colonel of the regiment of mounted riflemen, now found that De Castro was not only determined to drive him but also the American settlers from California. Under the conviction that it would now be necessary for him to fight, he at once concluded not only to test his ability to cope with De Castro and the Indians he was exciting to oppose his peaceable march through the country, but also to conquer the province and organize in it an independent government.

The first conflict in this great adventure occurred on the 11th of June, when twelve of his men surprised and captured a squad of fifteen Mexicans, and a train of two hundred horses. At day break on the 15th Sanoma, a military post, was attacked by Fremont, and taken with nine brass cannons, two hundred and fifty stand of muskets, and other munitions of war, with the small garrison. He then hastened to the valley of the Sacramento to arouse and enlist the American settlers in his scheme. Here he gathered in a day ninety riflemen, the kind of men he knew how to trust. Twenty of his men again attacked and defeated seventy of the Mexicans, and by the last of June he had cleared the country, north of San Francisco Bay of Mexican authority.

On the 5th of July at Sanoma, he called the

people together, and explained the situation, and advised them to declare themselves independent of Mexico. This was immediately done, and he was himself appointed to take the chief direction of affairs. At this time he knew nothing of the war on the Rio Grande, or that war had been declared against Mexico.

On the 6th of July, at the head of 160 mounted men, Fremont started for Santa Clara in pursuit of De Castro. Before reaching that point, he found that the Mexican General was retreating before him to Los Angeles, the seat of the Governor-General of California, Don Pio Pico. At this juncture in his affairs, he received intelligence of the beginning of war with Mexico, and that Commodore John D. Sloat, of the Pacific Squadron, had captured Monterey, California, and on the 7th of July raised over it the Stars and Stripes. The independent flag he had caused to be hoisted at Sanoma now quickly gave way for that of his own country. He soon afterwards joined Sloat at Monterey. About the middle of July Captain R. F. Stockton, in command of the frigate *Constitution*, arrived at Monterey, and soon after, Sloat desiring to return to the Atlantic, Stockton assumed the command of the entire squadron of several vessels on the California coast, as well as of affairs on land. He at once prepared to organize a battalion to serve on land, composed of Fremont's men and men from the vessels; to Fremont he gave the command, but himself retaining the chief direction of affairs. They now directed their attention to

the capture of Santa Barbara, San Diego, and Los Angeles, the latter of which Fremont entered without opposition on the 13th of August, the Mexican soldiers and civil officers having retreated before him.

Thus, in sixty days had California been conquered, and added, with its vast wealth of gold, to the United States. Stockton prepared to sail against Lower California, leaving Fremont as Governor of the conquered territory. But towards the close of September at Los Angeles an insurrection broke out, and the Mexicans were found disposed to make another effort to regain the territory they had lost.

In December, in the midst of this insurrection, General Kearney arrived from New Mexico, and during the brief campaign required to put down this outbreak, served, by his own choice, under Stockton, although that officer had repeatedly proposed to surrender all authority to him. Subsequently, however, Kearney refused to recognize Commodore Stockton's arrangements for the civil government of California, and took charge himself. But this change was not accomplished without some inconvenience to all concerned. Commodore Stockton refused to recognize the authority of General Kearney, and ordered him to relinquish his command of the troops. Fremont had been appointed military governor by Stockton, and had pledged himself to serve under Stockton as long as he had authority on the coast; and he did not consider that General Kearney had, by his conduct, in any way proven that Stockton's authority was not superior to his. Fremont proceeded to act as gov-

ernor under the appointment of Stockton, and the latter sustained him in his course. This incensed Kearney, although it appears that he had designed appointing Fremont governor on his leaving the territory. Kearney and Stockton carried on a sharp correspondence, and Colonel R. B. Mason, whom Kearney appointed over Fremont, became involved by his ill-treatment of Fremont. The whole difficulty came to a sudden stop by the arrival of a messenger from Washington advising Stockton to turn over all the affairs of the Territory to General Kearney. Kearney's and Mason's treatment of Fremont continued so notoriously bad, and Fremont continued so decidedly stubborn and determined, that he finally challenged Mason to fight him. But somehow the affair came to Kearney's ear, and he and Commodore Biddle, who had arrived on the coast, ordered it to be stopped. Mason kept writing about it to Fremont promising to fix the day, etc., and the whole affair on his part looked exceedingly contemptible. Colonel Benton afterwards asserted that the efforts of Kearney, Biddle, and Mason were simply meant to shield Mason, and Kearney either did not know the law governing the conduct of a superior officer in such case, or did not hesitate to break it. That law required the immediate arrest of parties to a proposed duel. Three or four years after this affair Mason, then living in St. Louis, invited Fremont to come on there and he would "give him the satisfaction" denied him in California. Fremont wanted to join his regiment, the "Mounted Rifles," in Mexico under Scott,



but Kearney would not allow him to do so. He then asked permission to proceed to the States at his own expense, but this Kearney refused. Here is his reply to Fremont's request, which while being stiff enough, perhaps, for any straight-laced West Pointer, was entirely characteristic of the rough old soldier :—

“ CAMP NEAR NEW HELVETIA, CALIFORNIA, }  
June 14, 1847. }

“ SIR,—The request contained in your communication to me of this date, to be relieved from all connection with the topographical party (nineteen men), and be permitted to return to the United States with a small party made up by your private means, can not be granted.

“ I shall leave here on Wednesday, the 16th instant, and I require of you to be with your topographical party in my camp (which will probably be fifteen miles from here) on the evening of that day, and to continue with me to Missouri.”

In Missouri Fremont delivered up the property belonging to his expedition, and was then sent under arrest to Washington. Kearney preferred charges against him, and early in November his trial began at Washington, continuing until the last of January, 1848. On the last day of January the court concluded the case with a verdict of guilty on the charges of mutiny, disobedience of the lawful command of a superior officer, and conduct to the prejudice of good order and military discipline, and sentenced him to be dismissed from the service. Two papers signed by different groups of the members of the court were sent to the President, recommending leniency, and Mr. Polk, being unable, perhaps, to see

the full force and sting of a military crime, made the following summary disposition of the case :—

“Upon an inspection of the record, I am not satisfied that the facts proved in this case constitute the military crime of mutiny. I am of opinion that the second and third charges are sustained by the proof, and that the conviction upon these charges warrants the sentence of the court. The sentence of the court is therefore approved; but, in consideration of the peculiar circumstances of the case, of the previous meritorious and valuable services of Lieutenant-Colonel Fremont, and of the foregoing recommendations of a majority of the members of the court, the penalty of dismissal from the service is remitted.

“Lieutenant-Colonel Fremont will accordingly be released from arrest, will resume his sword, and report for duty.  
JAMES K. POLK.”

This was the President's decision, and although it was as much as he should or could have done considering the high and mighty arm of the public service and sovereignty which had been insulted in the person of a crotchety old soldier, it was not enough for Colonel Fremont. He never joined his regiment, but in February sent in his resignation, which the President finally accepted in May. Fremont was unwilling to accept more than the clemency of the President, while he did not regard the decision of the court as true or just. His view of the whole affair was shared by a vast number of others who could not see the crime of exalting the authority of the navy over that of the army, when there were very good reasons for so doing, and when in making any choice there would have been the

same offense, that is, the insult of a powerful brigadier-general, or a captain in the navy.

The army required the punishment of Fremont; to that demand the President had to listen; popular opinion and the nature of the case required a different decision; to this the President could not turn a deaf ear; and his conclusion displayed as much independence and wisdom as the circumstances would warrant. A strong effort was made in the course of the trial by Colonel Benton, the leading attorney in the defense, to destroy the testimony of General Kearney as false and unreliable. But in this he could not have been successful, however clear it was that the old General was prosecuting the case, to a great extent, by reason of his wounded pride and dignity. Fremont was not then a politician, and party malevolence or ill-will was not necessarily an ingredient in the case, although at no time in the history of military affairs in this country have political matters and party preferences assumed much greater importance than they did during the Mexican War.

The "Great Pathfinder" made two more exploring expeditions to the Rocky Mountains, where his name may outlive the spirit of partisan warfare in the Republic, in "Fremont's Peak;" but these were not under the direction of the Government. Fremont's greatest services to his country were, perhaps, rendered in these expeditions, and especially in that one in which he was diverted from his original purpose to grasp for it, a vast and grand

territory about to slip into the hands of a foreign nation.

Although Commodore Sloat took Monterey, and raised the American flag there on the 7th of July, he had been instigated to this course by hearing of the performances of Fremont, and with the impression that he was acting under the authority of the Administration, or had been apprised of the declaration of war with Mexico. Yet it is true that Sloat had decided on taking this step at an early day. For that purpose he slipped skillfully from the espionage of the British fleet, and when its commander thought him at the Sandwich Islands, he was planting the flag of his country at Monterey.

This brief sketch of the conquest of California may now be appropriately ended by the following extract from a very spirited account given by General Fremont's father-in-law, Mr. Benton, who, if he was often wrong, was as often right as most of his political contemporaries:—

“In one of these excursions the Californian horse, so noted for spirit and docility, showed what he would do at the bid of his master. Carson's rifle had missed fire at ten feet distance. The Tlamath long bow, arrow on the string, was bending to the pull. All the rifles in the party could not have saved him. A horse and his rider did it. Mr. Fremont touched his horse; he sprang upon the savage; and the hatchet of a Delaware completed the deliverance of Carson. It was a noble horse, an iron gray, with a most formidable name, *el Toro del Sacramento*, and which vindicated his title to the name in all the trials of travel, courage, and performance to which



he was subjected. It was in the midst of such dangers as these, that science was pursued by Mr. Fremont; that the telescope was carried to read the heavens; the barometer to measure the elevations of the earth; the thermometer to gauge the temperature of the air; the pencil to sketch the grandeur of mountains, and to paint the beauty of flowers; the pen to write down whatever was new, or strange, or useful in the works of nature. It was in the midst of such dangers, and such occupations as these, and in the wildest regions of the farthest West, that Mr. Fremont was pursuing science and shunning war, when the arrival of Lieutenant Gillespie, and his communications from Washington, suddenly changed all his plans, turned him back from Oregon, and opened a new and splendid field of operations in California itself. He arrived in the valley of the Sacramento in the month of May, 1846, and found the country alarmingly and critically situated. Three great operations, fatal to American interests, were then going on, and without remedy, if not arrested at once. These were: 1. The massacre of the Americans, and the destruction of their settlements, in the valley of the Sacramento. 2. The subjection of California to British protection. 3. The transfer of the public domain to British subjects. And all this with a view to anticipate the events of a Mexican War, and to shelter California from the arms of the United States.

“The American settlers sent a deputation to the camp of Mr. Fremont, in the valley of the Sacramento, laid all these dangers before him, and implored him to place himself at their head and save them from destruction. General Castro was then in march upon them; the Indians were incited to attack their families, and burn their wheat-fields, and were only waiting for the dry season to apply the torch. Juntas were in session to transfer the country to Great Britain; the public domain was passing away in large grants to British subjects; a British fleet was

expected on the coast; the British Vice-Consul, Forbes, and the emissary priest, Macnamara, ruling and conducting everything; and all their plans so far advanced as to render the least delay fatal. It was then the beginning of June. War had broken out between the United States and Mexico, but that was unknown in California. Mr. Fremont had left the two countries at peace when he set out upon his expedition, and was determined to do nothing to disturb their relations; he had even left California to avoid giving offense; and to return and take up arms in so short a time was apparently to discredit his own previous conduct as well as to implicate his Government. He felt all the responsibilities of his position; but the actual approach of Castro, and the immediate danger of the settlers, left him no alternative. He determined to put himself at the head of the people, and to save the country. To repulse Castro was not sufficient; to overturn the Mexican government in California, and to establish Californian independence, was the bold resolve, and the only measure adequate to the emergency. The resolve was taken, and executed with a celerity that gave it a romantic success. The American settlers rushed to his camp, brought their arms, horses and ammunition, were formed into a battalion, and obeyed with zeal and alacrity the orders they received. In thirty days all the northern part of California was freed from Mexican authority, independence proclaimed, the flag of independence raised, Castro flying to the south, the American settlers saved from destruction, and the British party in California counteracted and broken up in all their schemes.

“This movement for independence was the salvation of California, and snatched it out of the hands of the British at the moment they were ready to clutch it. For two hundred years, from the time of the navigator Drake, who almost claimed it as a discovery, and placed the English name of New Albion upon it, the eye of

England has been upon California; and the magnificent Bay of San Francisco, the great sea-port of the North Pacific Ocean, has been surveyed as her own. The approaching war between Mexico and the United States was the crisis in which she expected to realize the long-deferred wish for its acquisition; and carefully she took her measures accordingly. She sent two squadrons to the Pacific as soon as Texas was incorporated, well seeing the actual war which was to grow out of that event, a small one into the mouth of the Columbia, an imposing one to Mazatlan, on the Mexican coast, to watch the United States squadron there, and to anticipate its movements upon California."

## CHAPTER XIV.

WAR WITH MEXICO—CONQUEST OF NEW MEXICO—GENERAL KEARNEY SETS UP A GOVERNMENT—STERLING PRICE WHIPS THE MEXICANS INTO OBEDIENCE—DONIPHAN AND WOOL.

IN the plan for the opening campaign against Mexico, the conquest of California was assigned to the Army of the West, which was to be commanded by General Stephen W. Kearney ; but, as already related, this was mainly done before Kearney, without an army, reached California. About the middle of May, 1846, General Kearney received his orders, and on the 30th of June, marched from Fort Leavenworth. His whole force, including a battalion of five hundred Mormons, numbered about 2,700 men. After a wonderful march of nearly nine hundred miles, on the 18th of August, this army reached Santa Fe. Although the Governor of New Mexico, Armijo, had assembled a large force and taken an almost unassailable position near Santa Fe, he finally concluded to make no defense. And thus General Kearney found himself in possession of New Mexico without an opportunity for military renown. But what he lost in this way he more than compensated for, in his ideas and methods of setting up a civil



government. His first feat in this direction was performed on the 16th of August, at San Miguel. He called the chief officer and men of the town together, and after declaring them absolved from their responsibilities as citizens of Mexico, he required them to take the following oath: "You swear that you will bear true allegiance to the Government of the United States of America, and that you will defend her against all her enemies and opposers, in the name of the Father, Son, and Holy Ghost. Amen." The Mexicans did not know the obligations of an oath, or if they did they paid no attention to this one. It was certainly a remarkable requirement to be made of these people, especially at that time.

On the 22d of August, General Kearney issued a proclamation to the people of New Mexico. In this he declared that New Mexico was now a Territory of the United States, that a free government was to be provided for it, agreeable to the spirit of the United States; that they should then hold their elections and otherwise comport themselves as free-men of the United States; and among other remarkable things, said:—

"The undersigned hereby absolves all persons residing within the boundary of New Mexico from further allegiance to the Republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable will be considered as good citizens, and receive protection; those who are found in arms, or instigating others against the United States, will be considered as traitors, and treated accordingly."

This was a new and speedy way of making citizens of the United States, unprovided for in the military or civil codes of modern times, and one that greatly startled the people of the country, and which drew from the President a vague special message to Congress. General Kearney had evidently construed his instructions, and his authority as a military chief, with great liberality. But neither his absolution act nor his attempt to confer political rights on the citizens of New Mexico, was approved by the Administration, or regarded in any other light than that of overwrought enthusiasm. The General made a trip with a considerable force for a hundred miles down the Rio Grande, but found no opposition to his authority. He also sent out and brought in a number of Apache Indian chiefs, and made a "treaty" with them. By this time he had set up his civil government, and made Charles Bent governor. Kearney was a brave and patriotic man, and although he had not acted very wisely here, and did not do so in all respects subsequently, multiplicity of instructions may have embarrassed him considerably. Secretary Marcy had written to him: "You shall establish temporary civil governments; continue existing officers, if they will take the oath of allegiance; assure them it is the wish and design of the United States to provide for them a free government; they will then be called upon to exercise the rights of freemen." General Scott in his written instructions to Kearney as to California, said: "You will erect and garrison durable defenses for holding the bays of

Monterey and San Francisco, together with such other important points in the same province as you may deem it necessary to occupy. You will not, however, formally declare the province to be annexed. Permanent incorporation of the territory must depend upon the Government of the United States." His conduct in New Mexico had evidently been distasteful to General Scott, who in the main drew closely the line of a soldier's duty, if he did sometimes exhibit a very decided disposition to give a political importance to his own office.

Leaving General Kearney's legislative and civil performances in New Mexico to be referred to at another time, it is now convenient to follow him in his extraordinary march beyond the Rocky Mountains, and in the final disposition of affairs in California. In August, finding that his force was unnecessarily large for his purposes, General Kearney notified the Secretary of War that he designed sending Colonel Doniphan with his regiment to join General Wool, then engaged, he supposed, in the conquest of Chihuahua. Having put affairs in New Mexico in a condition to suit himself, at all events, on the 25th of September, with three or four hundred dragoons under Major Sumner, General Kearney set out for California. Several hundred miles west of Santa Fe, early in October, he met Kit Carson and a few men on their way to Washington City from Commodore Stockton with the report that that country had already been reduced to submission, and a form of civil government established. Inducing Carson to

return with him to California, sending the dispatches to Washington by his own messenger, and allowing Major Sumner to return to Santa Fe, with one hundred of the dragoons, he continued his march. Not until the 2d of December did he reach the settlements of California, where he learned that the old Californians had "revolted" against the new order of things. Pursuing his way, cautiously, he was met forty miles from San Diego by a detachment of troops sent out by Commodore Stockton for that purpose. Before reaching that place, however, he was destined to have his first brush with the Mexicans.

Captain Gillespie, who had led the small force to meet Kearney, had on the way heard of a war band of Mexicans at a place called San Pascual. Kearney planned an attack on these men, which was carried into effect with entire success at daybreak on the morning of the 6th of December. The Mexicans were quickly routed and put to flight, but in this spirited engagement three American officers were killed, four wounded, and sixteen privates killed and eleven wounded, and Kearney himself was twice lanced. At San Bernardo, in his way, the Mexicans again showed a disposition to fight, but Kearney's advance put them to flight. Now becoming alarmed for the safety of his small force, with many of them wounded, Kearney took a position and sent to Stockton for re-enforcements. The Commodore this time sent out over two hundred men mainly from the vessel's crews, variously armed, and with this augmentation of his strength Kearney entered San Diego



without further opposition. On his arrival Stockton proffered the entire charge of affairs on land to him, but this he refused to accept, apparently preferring himself, as Fremont had done, to serve under Stockton. But when Stockton was ready with a force of about five hundred men to march against Los Angeles, now in revolt, Kearney demanded to lead that force, although Stockton had, as he knew, appointed a commander for the expedition. Although Stockton humored him in this, he now decided to hold the general direction of affairs himself, which he did, until ordered by the Government to transfer it to General Kearney. On the 8th of January, at the crossing of the San Gabriel near Los Angeles, the Mexicans met them, six hundred strong, with several pieces of cannon. But they were soon put to flight, and on the following day were again driven before the Americans on the plains before the City of the Angels, which was taken possession of on the 10th. The American loss had been but ten or twelve wounded and one killed.

On the 13th the leaders of the revolt surrendered to Colonel Fremont at Couenga. And so, for the second time, and now finally, California was conquered. From this time until March Fremont, by order of Commodore Stockton, acted as governor, although this course led to great difficulty between General Kearney and himself and Colonel Fremont, as has been shown. In February W. B. Shubrick took the place of Stockton in command of the fleet, and early in March Commodore James Biddle super-

seded him. In the summer of 1846, a regiment, raised in New York, and commanded by J. D. Stevenson, was especially designed by the Administration to serve in California. By instructions from the Secretary of War this regiment was to be made up, as far as possible, of men of different useful and regular pursuits, and such as would want to remain at the end of the war in the country, where they were to be dismissed from the service. These men arrived in California by water soon after General Kearney made his overland trip of a thousand miles from Santa Fe. They were at once put into garrisons of the various posts necessary to hold the territory, the whole constituting a military department which the General left in charge of Colonel Mason.

Although the conquest of New Mexico had been attended with little difficulty, General Kearney had scarcely left its border until the signs of dissatisfaction were apparent. Collisions between the soldiers and citizens were frequent, and a strong feeling arose against the new government and its officers. The ease with which the conquest had been effected, the climate, and other circumstances had rendered the discipline of the army less exact than it should have been, and established a sense of security in the conquerors that did not exist. It at last came to light that the Mexicans were preparing for a general revolt, about Christmas.

Colonel Sterling Price, who had been left in command, at once set about an attempt to put down the insurrectionary spirit, but the supposed leaders dis-

appeared, and for a short time little occurred out of the ordinary way. About the middle of January, 1847, Governor Bent and other officers of the government visited San Fernando de Taos, where they were all murdered on the night of the 19th, by Mexicans and Puebla Indians. On that and the succeeding day as many as a score more Americans were murdered in the Spanish settlements within a few miles of that place. Colonel Price at once began to gather in his scattered troops, and on the 23d of January marched at the head of about three hundred and fifty men, with four twelve-pounder howitzers, and on the following day found the Mexicans and Indians, in three or four times his strength, posted at Covoda, a town on a small stream running into the Rio Grande. After a sharp and gallant conflict the Mexicans were defeated with a loss of nearly a hundred in killed and wounded, while the American loss was two killed and six wounded. About the same time Captain Hendley with a few men had an indecisive fight with the Mexicans in the Moro Valley. On the 29th a part of the force under Colonel Price again defeated the enemy; and on the morning of the 4th of February, with less than five hundred men, he attacked the Mexicans at Puebla de Taos, a strangely constructed and strong Indian town, near San Fernando, where the governor had been killed. His six and twelve pounder guns were actually too light to break through the walls of the houses in which the enemy were mainly posted, although they were wheeled up to within a few yards of them.

The church and another large building several stories high, which were the forts of the Mexicans, were built of the adobe or sun-dried brick then and now used in that region, yet axes and picks had to be brought to the aid of the guns before their walls were opened for the entrance of Price's soldiers. The battle continued all day, and on the 5th, the enemy sued for peace. They had lost one hundred and fifty in killed, and as many in wounded, while the American loss was about fifty in killed and wounded. This brought the insurrection to an end. The leaders of it were now nearly all dead. One of them had fallen at Covoda, one at Puebla de Taos, the Indian leader was shot while a prisoner, during a quarrel with a soldier, and Price actually hanged one of them as a traitor, at San Fernando, although he had not the least right in the world to do so. Yet, laboring under the impression that General Kearney had really made these people citizens of the United States, he believed himself authorized to take the course he did. Under this delusion he had another Mexican convicted of treason, but President Polk ordered him to be liberated. After this time there was comparative quiet in the country until in May, (1847), when the Mexicans and Indians made an attempt to destroy the supply trains from Independence, and break up all connection with that place; but in this they were also unsuccessful. More troops were sent to New Mexico, and thereafter little difficulty was experienced by the military in that region. In February, 1848, Price, who had now become a



brigadier-general, marched with his immediately available force to El Paso, where he expected, from reports, to meet General Urrea with a considerable Mexican army, marching to recover New Mexico. But this report proved to be untrue. Unwilling to return to Santa Fe without accomplishing something, and hearing that a body of twenty thousand Mexican soldiers had assembled for some purpose at Santa Cruz de Rosales, more than fifty miles beyond Chihuahua and over three hundred miles from El Paso, he determined to march against that place, with only four hundred men he then had under him. At Chihuahua he was informed that peace had been concluded, and was invited not to despoil the place, but not believing the report as to peace he entered the city, and also continued his march to Santa Cruz de Rosales, where he arrived on the evening of the 8th of March. Here he was again assured that peace had been declared, but being joined by three hundred troops and the artillery which had followed after him, and having waited long enough for the surrender to no effect, on the 16th of March, he began to cannonade the place. The battle continued through the greater part of the day, when the Mexicans capitulated after suffering a very considerable loss, said to have been, as usual, vastly disproportionate to that of the Americans. Two thousand small arms, fourteen cannons, and other munitions of war here fell into the hands of the ever-victorious Americans, together with the Governor, Trias, and other prisoners. On the 18th of March General Price began his return

march to New Mexico; but, soon afterwards being convinced of the treaty of peace, he set at liberty his prisoners, and restored the property he had taken on this worse than useless expedition. Still Price had, throughout, exhibited the qualities of a soldier, and this raid down into Chihuahua was one of the many daring performances of the war with Mexico.

The inexplicable ease with which General Kearney made his "bloodless conquest" of New Mexico, and the foundation of the effort of the Mexicans subsequently to expel the new masters, the real key to a part of the secret history of the war, and the strange and not altogether democratic methods of the Administration, and the early spirit of conquest which lay behind its deeds, may be seen, to some extent, in the following sketch from the pen of Mr. Benton:—

"This work does not write of military events open to public history, but only of things less known, and to show how they were done; and in this point of view the easy and bloodless conquest of New Mexico, against such formidable obstacles, becomes an exception, and presents a proper problem for intimate historical solution. That solution is this: At the time of the fitting out of that expedition there was a citizen of the United States, long resident in New Mexico, on a visit of business at Washington City. His name was James Magoffin; a man of mind, of will, of generous temper, patriotic, and rich. He knew every man in New Mexico and his character, and all the localities, and could be of infinite service to the invading force. Mr. Benton proposed to him to go with it; he agreed. Mr. Benton took him to the President and Secretary of War, who gladly availed themselves of his

agreement to go with General Kearney. He went; and approaching New Mexico, was sent ahead with a staff officer, the officer charged with a mission, himself charged with his own plan; which was to operate upon Governor Armijo, and prevent his resistance to the entrance of the American troops. That was easily done. Armijo promised not to make a stand at the defile, after which the invaders would have no difficulty. But his second in command, Colonel Archuletti, was determined to fight, and to defend that pass; and if he did, Armijo would have to do the same. It became indispensable to quiet Archuletti. He was of different mold from the governor, and only accessible to a different class of considerations, those which addressed themselves to ambition. Magoffin knew the side on which to approach him. It so happened that General Kearney had set out to take the left bank of the Upper Del Norte, the eastern half of New Mexico, as part of Texas, leaving the western part untouched. Magoffin explained this to Archuletti, pointed to the western half of New Mexico as a derelict, not seized by the United States, and too far off to be protected by the central government, and recommended him to make a *pronunciamento*, and take that half to himself. The idea suited the temper of Archuletti. He agreed not to fight, and General Kearney was informed there would be no resistance at the defile; and there was none. Some thousands of militia collected there (and which could have stopped a large army) retired without firing a gun, and without knowing why. Armijo fled, and General Kearney occupied his capital; and the conquest was complete and bloodless; and this was the secret of that facile success, heralded in the newspapers as a masterpiece of generalship, but not so reported by the General.

“But there was an afterclap to make blood flow for the recovery of a province which had been yielded without resistance. Mr. Magoffin was sincere and veracious

in what he said to Colonel Archuletti; but General Kearney soon (or before) had other orders, and took possession of the whole country, and Archuletti, deeming himself cheated, determined on a revolt. Events soon became favorable to him. General Kearney proceeded to California, leaving General Sterling Price in command with some Missouri volunteers. Archuletti prepared his insurrection, and having got the upper country above Santa Fe ready, went below to prepare the lower part. While absent the plot was detected and broke out, and led to bloody scenes in which there was severe fighting, and many deaths on both sides. It was in this insurrection that Governor Charles Bent, of New Mexico, and Captain Burgwin, of the United States Army, and many others were killed. The insurgents fought with courage and desperation; but without their leader, without combination, without resources, they were soon suppressed, many being killed in action, and others hung for high treason, being tried by some sort of a court which had no jurisdiction of treason. All that were condemned were hanged, except one, and he recommended to the President of the United States for pardon. Here was a dilemma for the Administration. To pardon the man would be to admit the legality of the condemnation; not to pardon was to subject him to murder. A middle course was taken; the officers were directed to turn loose the condemned, and let him run. And this was the cause of the insurrection and its upshot.

“Mr. Magoffin having prepared the way for the entrance of General Kearney into Santa Fe, proceeded to the execution of the remaining part of his mission, which was to do the same by Chihuahua for General Wool, then advancing upon that ancient capital of the Western Internal Provinces on a lower line. He arrived in that city, became suspected, was arrested, and confined. He was a social, generous-tempered man, a son of Erin; loved company,



spoke Spanish fluently, entertained freely, and where it was some cost to entertain—claret thirty-six dollars a dozen, champagne fifty dollars. He became a great favorite with the Mexican officers. One day the military judge advocate entered his quarters and told him that Dr. Connolly, an American, coming from Santa Fe, had been captured near El Paso del Norte, his papers taken, and forwarded to Chihuahua, and placed in his hands, to see if there were any that needed government attention; and that he had found among the papers a letter addressed to him (Mr. Magoffin). He had the letter unopened, and said he did not know what it might be, but being just ordered to join Santa Anna at San Luis Potosi, and being unwilling that anything should happen after he was gone to a gentleman who had been so agreeable to him, he had brought it to him, that he might destroy it if there was anything in it to commit him. Magoffin glanced his eyes over the letter. It was an attestation from General Kearney of his services in New Mexico, recommending him to the acknowledgments of the American Government in that invasion; that is to say, it was his death-warrant if seen by the Mexican authorities. A look was exchanged, the letter went into the fire, and Magoffin escaped being shot.

“But he did not escape suspicion. He remained confined until the approach of Doniphan’s expedition, and was then sent off to Durango, where he remained a prisoner to the end of the war. Returning to the United States after the peace, he came to Washington in the last days of Mr. Polk’s Administration, and expected remuneration. He had made no terms, asked nothing, and received nothing, and had expended his own money, and that freely, for the public service. The Administration had no money applicable to the object. Mr. Benton stated his case in secret session in the Senate, and obtained an appropriation, couched in general terms, of fifty thousand dollars for

secret services rendered during the war. The appropriation, granted in the last night of the expiring Administration, remained to be applied by the new one, to which the business was unknown, and had to be presented unsupported by a line of writing. Mr. Benton went with Magoffin to President Taylor, who, hearing what he had done, and what information he had gained for General Kearney, instantly expressed the wish that he had had some person to do the same for him, observing that he got no information but what he obtained at the point of the bayonet. He gave orders to the Secretary of War to attend to the case as if there had been no change in the Administration. The Secretary (Mr. Crawford, of Georgia) higgled, required statements to be filed, almost in the nature of an account, and, finally, proposed thirty thousand dollars. It barely covered expenses and losses; but, having undertaken the service patriotically, Magoffin would not lower its character by standing out for more. The paper which he filed in the War Office may furnish some material for history, some insight into the way of making conquests, if ever examined. This is the secret history of General Kearney's expedition, and of the insurrection, given because it would not be found in the documents."

Another remarkable expedition of this war may as well be mentioned here, especially as it originated under General Kearney, and started from Santa Fe. Colonel A. W. Doniphan had been ordered to join General Wool in Mexico, and after having made a successful expedition into the country of the Navajo Indians, and formed a treaty with them in October and November, 1846, Colonel Doniphan, about the middle of December, began his march down the Santa Fe from Socorro, on his way to

Chihuahua, where it was supposed he would find General Wool. On the afternoon of the 25th of December, while preparing to go into camp on the Brazito or Bracito, at Temascalitos, Doniphan, with the advance of his little army, was attacked by the enemy of twice his own strength. They had first asked him to a parley, and then shaken the black flag in his face. The pluck of the Mexicans consisted mainly in the exhibition of the black flag. They managed to make a spirited dash on the American lines, however, and were, in a few minutes, whipped and dispersed with a very considerable loss in killed and wounded, while the Americans had only a few men slightly wounded. On the 27th of December the Americans entered El Paso, a city of five thousand people. Here Doniphan learned that General Wool had not entered Chihuahua, but had turned aside from his original purpose.

What was now to be done became a matter of great importance; but Doniphan decided to go forward. In almost any other country on the globe his undertaking would have been disastrous. On the 5th of February, 1847, Major Clark with a small force and the artillery arrived at El Paso (the pass of the Rio Grande). On the 8th, Doniphan set forward, his whole force now amounting to only somewhat more than nine hundred men. On the 28th of February, 1847, at Rancho Sacramento, on the Sacramento River, about twenty miles from the city of Chihuahua, the Mexicans under General Heredia and Governor Trias were again found in force, and

here one of the most wonderful battles ever occurring on the continent was fought, resulting in the defeat and dispersing of the unfortunate and cowardly Mexicans. Heredia reported his force at 1,575 men, but Doniphan estimated it at more than three times that number. It seemed to make very little difference, any way, how many or few the Mexicans were, if they had an opportunity to do so, they usually ran all the same, after the first fire or two. Colonel Doniphan displayed admirable skill in the conduct of this affair at the Sacramento, and the American soldiers began now to consider themselves invincible, at any odds by these people. On the 1st of March Doniphan and his little army, which had not been diminished a half-dozen by this last engagement, entered Chihuahua, a city of thirty or forty thousand inhabitants. Here they were treated with great kindness, and became so attached to the people that many of the officers even opposed leaving the place.

In April Doniphan sent twelve men to find General Taylor and bring back orders. On the 24th they returned with the word to join him as soon as possible at Walnut Springs. In the meantime Doniphan had held a council of officers to decide upon a course of action if they did not succeed in getting a word from General Taylor. He found the council greatly divided, some in favor of returning to Santa Fe, some for making their way to General Taylor, and others for staying where they were. But Doniphan now saw that he had already staid too long for the good of his army among these amiable enemies; and



he said for his part he was going home to "Sarah and the children."

On the 25th of April they bade adieu to Chihuahua and started on the march to Monterey. On the 26th of May this little force reached the camp of General Taylor, and from the Rio Grande they were carried in a vessel to New Orleans, where all the men were mustered out of the service and sent home.

Another of these great marches, and like Doniphan's, a fruitless one, was made by the "Army of the Center," as it was called in the plan of the campaign at the outset of the war. This division was to be commanded by Brigadier-General John E. Wool, and was to march from San Antonio, Texas. Colonel Wm. S. Harney, with a part of the regular dragoons and some Texas Rangers had previously been sent to this place for the protection of the country. On the 2d of August, General Wool landed with the 1st and 2d Illinois regiments of infantry at La Vaca on Matagorda Bay, and soon after began his march to San Antonio. By the last of August all the troops designed for his army had reached this place of rendezvous. This force consisted of five hundred regular troops, dragoons, artillery, and infantry; and 2,440 volunteers, cavalry and infantry, and was designed to operate at first against the northern States of Mexico, it was claimed, with a view to establishing their independence. But what good was to be accomplished by this? The people of these States did not desire independence of Mexico, and could not have maintained it, if they had so desired. On the

26th of September the advance of General Wool's army marched towards Chihuahua. At Presidio, on the Rio Grande, the whole force crossed into Mexico, on the 10th of October, on boats constructed at San Antonio, and conveyed by land to that point, over one hundred and fifty miles. It was an expensive and formidable force, and marched quietly through the country, taking possession of the various towns on its route without opposition. There was no disposition to fight indicated, but on the other hand the inhabitants treated the Americans with great consideration and kindness. The route of General Wool to Chihuahua had been fully laid down for him. But at Santa Rosa he was astonished to find the impassable Sierra Gorda Mountains lying across his way. The geography of the country was evidently not understood at Washington. Finding no pass to the west through the Sierra Gorda, Wool was compelled to turn towards the south, and thus was suddenly diverted from the original purpose of his expedition. The equipment of this force had been at an enormous expense to the country; and Doniphan with a third or fourth of the force, not long afterwards, effected what he was designed to do, conquer Chihuahua. On the 29th of October, 1846, Wool entered Monclova, one of the principal towns of Coahuila. By the order of General Taylor, Wool, after remaining some time at Monclova, marched to Parras, near Saltillo, from whence his force was led to the famous field of Buena Vista.

## CHAPTER XV.

WAR WITH MEXICO—GENERAL SCOTT IN MEXICO—SIEGE  
AND CAPTURE OF VERA CRUZ.

EARLY in October, 1846, there began to be some talk in Washington about the capture of Vera Cruz, and the establishment of another base of operations against the interior of Mexico. In a letter to Taylor on the 22d of that month, General Scott intimated the probability of this undertaking, and notified him that in that event it would be necessary to take four thousand of the troops from Monterey, two thousand of them to be regulars. On the 27th of October General Scott presented his first notes to the War Department concerning this proposed movement. Shortly afterwards the General made another communication to the Department, in which he intimated that he would be willing to undertake the capture of Vera Cruz and the Castle of San Juan de Ulloa with less than ten thousand men, by the assistance of the navy. The capture of the city was the principal feature in the calculations, as the Castle, it was supposed, might hold out for some time, although that point would dispose of itself after the fall of the city. The estimates made by Scott of the material necessary for this expedition were enormous, and

some of them not well founded. As, for instance, his desire for the provision of pontoons for crossing rivers, when there were none that his army could not readily cross without any such aid. General Scott was clearly of the conviction, too, that he should in person lead in this campaign, and that the capture of Vera Cruz should not be undertaken unless it should be decided to make that the beginning of extensive operations in the interior, including the capture of the City of Mexico. About the middle of November he had made more careful and exact estimates to the Secretary of War, now placing the number of troops to operate from Vera Cruz at fourteen thousand; and on the 18th, greatly to his own delight and gratification, he was notified to hold himself in readiness to take the field to carry out the present plans of the Administration. He soon after received this letter from the Secretary of War:—

“WAR DEPARTMENT, WASHINGTON, }  
“November 23, 1846. }

“SIR,—The President, several days since, communicated in person to you his orders to repair to Mexico, to take the command of the forces there assembled, and particularly to organize and set on foot an expedition to operate on the Gulf coast, if, on arriving at the theater of action, you shall deem it to be practicable. It is not proposed to control your operations by definite and positive instructions, but you are left to prosecute them as your judgment, under a full view of all the circumstances, shall dictate. The work is before you, and the means provided, or to be provided, for accomplishing it, are committed to you, in the full confidence that you will use them to the best advantage.



"The objects which it is desirable to obtain have been indicated, and it is hoped that you will have the requisite force to accomplish them.

"Of this you must be the judge, when preparations are made, and the time for action arrived.

"Very respectfully, your obedient servant,

"W. L. MARCY, Secretary of War.

"GENERAL WINFIELD SCOTT."

On the following day Scott left Washington to embark at New York for New Orleans, with a great deal of discretionary power, and apparently the full confidence of the Administration, and yet his powers were not so fully and freely designated as he desired, and as he was disposed to have the President make in writing. General Scott was extremely anxious to take the field now, and had lost his dread of the "fire in the rear" which had held him back at the outset. But he had not overestimated this "fire in his rear," as he found not long after he had placed several thousand miles between himself and the seat of Government. He said in a letter to Mr. Marcy in the spring of 1848: "I left Washington highly flattered with the confidence and kindness the President had shown me in many long personal interviews on military matters. For more than two months my expressions of gratitude were daily and fervent, nor were they much less emphatic towards the head of the War Department." But President Polk had not full confidence in General Scott, or rather if he had it did not prevent him making an attempt to carry out a party or political scheme he had in view at the time the General left Washington.

After stopping at New Orleans a few days to complete his arrangements with General Jesup, the quartermaster-general, and sending some spies to Mexico, he proceeded to the mouth of the Rio Grande, where he arrived on the 1st of January, 1847. He at once issued orders to General Taylor for the four thousand men to serve in his campaign, and began to push forward the work of collecting his entire force. The island of Lobos, near the coast, sixty miles from Tampico and a hundred miles from Vera Cruz, had been selected as the place of rendezvous, and for some time Commodore Conner had been busy in gathering the transports at that point, as well as in making such other efforts as could be conducted by the blockading squadron. From the time General Taylor appeared at Corpus Christi, this fine naval officer had been on the Mexican coast, and while there was no foe to try his metal on the Gulf, yet he had captured several towns, and completely blockaded the coast from Yucatan to Texas, and now when about to have an opportunity for some more exciting service, broken in health, he was obliged to retire from the command, and return home immediately after the landing of General Scott's army at Vera Cruz. Commodore Matthew C. Perry, a man of great vigor and spirit, now took charge of the fleet in these waters, and figured very honorably in the siege of Vera Cruz. On the 6th of March, General Scott arrived at Lobos, and at once completed the organization of his army. On the following day, in company

with Commodore Conner and other officers, he reconnoitered the shore in the neighborhood of Vera Cruz, and decided on a point of landing. On the 9th the fleet with the whole army of twelve thousand men sailed for the place of debarkation on the sandy coast opposite the island of Sacrificios, previously having touched at Antonio Lizardo, and although less than half of the one hundred and forty-four surf-boats for which Scott had provided had arrived, the whole force was landed without accident or loss. Under the impression that the Mexicans would resist the landing of the troops, preparations were carefully made for the conflict. To General Worth was given the honor of leading the first five thousand troops that were thrown on the shore. But viewing the grand spectacle from the walls of Vera Cruz and its castle, the indolent Mexicans offered no obstruction to the progress of the Americans. A considerable part of the material of the army was landed that night, and on the morning of the 10th, the work of investing the place began. At noon on the 22d of March, General Scott summoned the city to surrender, but the Mexican General, Morales, replied that he had decided to resist to the last, and at quarter past four o'clock the bombardment of Vera Cruz was begun. Shortly afterwards Commodore Perry succeeded in getting seven of his vessels into range behind Point Harnos, and opened an effective fire upon the city. On the night of the 23d a battery of six great guns from the ships, under the direction of Perry, and to

be handled by men from the fleet, was erected, and on the morning of the 24th this opened with wonderful effect on the walls of the doomed city. On the afternoon of the following day the Mexicans sent a white flag with a proposition for surrender, and the strange and interesting conflict was really at an end. Vera Cruz was conquered. Although the proposition then made was rejected by General Scott, and some random firing was indulged in on the morning of the 26th, this was speedily ended by another white flag. Commissioners were appointed on both sides, and the terms of capitulation arranged satisfactorily. On the 29th the Mexican army, about five thousand strong, marched out and laid down its arms. The following reports from General Scott to the Secretary of War, as the siege progressed, will complete the essential history of this achievement:—

“HEAD-QUARTERS OF THE ARMY, CAMP WASHINGTON, }  
“BEFORE VERA CRUZ, March 12, 1847. ” }

“SIR,—The colors of the United States were triumphantly planted ashore, in full view of this city and castle, and under the distant fire of both, in the afternoon of the 9th inst. Brevet Brigadier-General Worth’s brigade of regulars led the descent, quickly followed by the division of United States volunteers under Major-General Patterson, and Brigadier-General Twiggs’s reserve brigade of regulars. The three lines successively landed in sixty-seven surf-boats, each boat conducted by a naval officer, and rowed by sailors from Commodore Conner’s squadron, whose lighter vessels flanked the boats so as to be ready to protect the operation by their cross-fire. The whole army reached the shore in fine style, and without direct



opposition (on the beach), accident, or loss, driving the enemy from the ground to be occupied.

“The line of investment, according to General Orders, No. 47, was partially taken up the same night; but has only been completed to-day, owing to the most extraordinary difficulties: 1. The environs of the city, outside of the fire of its guns and those of the castle, are broken into innumerable hills of loose sand, from twenty to two hundred and fifty feet in height, with almost impassable forests of chaparral between; and, 2. Of all our means of land-transportation, wagons, carts, pack-saddles, horses, and mules, expected to join us from Tampico and the Brazos, weeks ago, but fifteen carts and about one hundred draught-horses have yet arrived. Three hundred pack-mules are greatly needed to relieve the troops in taking subsistence alone, along the line of investment of more than five miles, as, at present our only depot is south of the city. On the cessation of the present raging norther, which almost stifles the troops with sand, sweeping away hills and creating new, I hope to establish a second depot north of the city, which will partially relieve the left wing of the army.

“In extending the line of investment around the city, the troops for three days have performed the heaviest labors in getting over the hills and cutting through the intervening forests, all under the distant fire of the city and castle, and in the midst of many sharp skirmishes with the enemy. In these operations we have lost in killed and wounded several valuable officers and men. Among the killed I have to report Brevet Captain Alburtis, of the United States Second Infantry, much distinguished in the Florida War, and a most excellent officer. He fell on the 11th inst.; and Lieutenant-Colonel Dickenson, of the South Carolina Regiment, was badly wounded in a skirmish the day before. Two privates have been killed in these operations, and four or five

wounded. As yet I have not been able to obtain their names.

"As soon as the subsistence of the troops can be assured and their positions are well established, I shall, by an organized movement, cause each brigade of regulars and volunteers to send detachments, with supports, to clear its front, including sub-bourgs, of the enemy's parties, so as to oblige them to confine themselves within the walls of the city.

"I have heretofore reported that but two-sevenths of the siege-train and ammunition had reached me. The remainder is yet unheard of. We shall commence landing the heavy metal as soon as the storm subsides, and hope that the five-sevenths may be up in time.

"The city being invested, would, no doubt, early surrender, but for the fear that if occupied by us, it would immediately be fired upon by the castle. I am not altogether without hope of finding the means of coming to some compromise with the city on this subject.

"So far, the principal skirmishing has fallen to the lot of Brigadier-General Pillow's and Quitman's brigades. Both old and new volunteer regiments have conducted themselves admirably. Indeed, the whole army is full of zeal and confidence, and can not fail to acquire distinction in the impending operations.

"To Commodore Conner, the officers and sailors of his squadron, the army is indebted for great and unceasing assistance, promptly and cheerfully rendered. Their co-operation is the constant theme of our gratitude and admiration. A handsome detachment of marines, under Captain Edson, of that corps, landed with the first line, and is doing duty with the army.

"*March 13.*—The enemy, at intervals, continues the fire of heavy ordnance, from the city and castle, upon our line of investment, both by day and night, but with little or no effect.

"The norther has ceased, which has renewed our

communication with the shore-ships at anchor under Sacrificios. We shall immediately commence landing the few pieces of heavy ordnance, with ordnance stores, at hand, and hope soon to have the necessary draught-mules to take them to their positions. Any further delay in the arrival of those means of transportation will be severely felt in our operations.

"I have the honor to remain, sir, with high respect,  
your most obedient servant,      WINFIELD SCOTT."

"HON. WILLIAM L. MARCY, Secretary of War."

"HEAD-QUARTERS OF THE ARMY, CAMP WASHINGTON, }  
"BEFORE VERA CRUZ, March 23, 1847. }

"SIR,—Yesterday, seven of our ten-inch mortars being in battery, and the labors for planting the remainder of our heavy metal being in progress, I addressed, at two o'clock P. M., a summons to the Governor of Vera Cruz, and within the two hours limited by the bearer of the flag received the Governor's answer. Copies of the two papers (marked respectively A and B) are herewith inclosed.

"It will be perceived that the Governor, who, it turns out, is the commander of both places, chose, against the plain terms of the summons, to suppose me to have demanded the surrender of the castle and of the city; when in fact, from the non-arrival of our heavy metal, principally mortars, I was in no condition to threaten the former.

"On the return of the flag with that reply, I at once ordered the seven mortars, in battery, to open upon the city. In a short time the smaller vessels of Commodore Perry's squadron, two steamers and five schooners, according to previous arrangement with him, approached the city within about a mile and an eighth, whence, being partially covered from the castle, an essential condition to their safety, they also opened a brisk fire upon the city. This has been continued uninterruptedly by the mortars, and only with a few intermissions, by the vessels, up to nine o'clock this morning, when the Commodore,

very properly, called them off from a position too daringly assumed.

“Our three remaining mortars are now (twelve o'clock, A. M.) in battery, and the whole ten in activity. Tomorrow, early, if the city should continue obstinate, batteries Nos. 4 and 5 will be ready to add their fire: No. 4, consisting of four twenty-four-pounders and two eight-inch Paixhan guns, and No. 5 (naval battery) of three thirty-two-pounders, and three eight-inch Paixhans, the guns, officers, and sailors; landed from the squadron, our friends of the navy being unremitting in their zealous co-operation, in every mode and form.

“So far, we know that our fire upon the city has been highly effective, particularly from the batteries of ten-inch mortars, planted at about eight hundred yards from the city. Including the preparation and defense of the batteries, from the beginning, now many days, and notwithstanding the heavy fire of the enemy, from city and castle, we have only had four or five men wounded and one officer and one man killed, in or near the trenches. That officer was Captain John R. Vinton, of the United States third artillery, one of the most talented, accomplished, and effective members of the army, and who was highly distinguished in the brilliant operations at Monterey. He fell last evening in the trenches, where he was on duty as field and commanding officer, universally regretted. I have just attended his honored remains to a soldier's grave, in full view of the enemy and within reach of his guns.

“Thirteen of the long-needed mortars, leaving twenty-seven, besides heavy guns, behind, have arrived, and two of them landed. A heavy norther then set in (at meridian) that stopped that operation, and also the landing of shells. Hence the fire of our mortar batteries has been slackened, since two o'clock to-day, and can not be reinvigorated until we shall again have a smooth sea. In the meantime I shall leave this report open for journalizing



events that may occur up to the departure of the steam ship-of-war, the *Princeton*, with Commodore Conner, who, I learn, expects to leave the anchorage of Sacrificios, for the United States, the 25th inst.

" *March 24.*—The storm having subsided in the night, we commenced this forenoon, as soon as the sea became a little smooth, to land shot, shells, and mortars.

"The naval battery No. 5, was opened with great activity, under Captain Aulick, the second in rank of the squadron, at about ten A. M. His fire was continued to two o'clock, P. M., a little before he was relieved by Captain Mayo, who landed with a fresh supply of ammunition, Captain Aulick having exhausted the supply he had brought with him. He lost four sailors, killed, and had one officer, Lieutenant Baldwin, slightly hurt.

"The mortar batteries, Nos. 1, 2, and 3, have fired but languidly during the day for want of shells, which are now going out from the beach.

"The two reports of Colonel Bankhead, chief of artillery, both of this date, copies of which I inclose, give the incidents of those three batteries.

"Battery No. 4, which will mount four twenty-four-pounders and two eight-inch Paixhan guns, has been much delayed in the hands of the indefatigable engineers by the norther that filled up the works with sand nearly as fast as it could be opened by the half-blinded laborers. It will, however, doubtless be in full activity early to-morrow morning.

" *March 25.*—The *Princeton* being about to start for Philadelphia, I have but a moment to continue this report.

"All the batteries, Nos. 1, 2, 3, 4, and 5, are in awful activity this morning. The effect is, no doubt, very great, and I think the city can not hold out beyond to-day. To-morrow morning many of the new mortars will be in position to add their fire, when, or after the delay of some twelve hours, if no proposition to surrender should be

received, I shall organize parties for carrying the city by assault. So far the defense has been spirited and obstinate.

"I inclose a copy of a memorial received last night signed by the consuls of Great Britain, France, Spain, and Prussia, within Vera Cruz, asking me to grant a truce to enable the neutrals, together with Mexican women and children, to withdraw from the scene of havoc about them. I shall reply, the moment that an opportunity may be taken, to say: 1. That a truce can only be granted on the application of Governor Morales, with a view to surrender; 2. That in sending safeguards to the different consuls, beginning so far back as the 13th inst., I distinctly admonished them, particularly the French and Spanish consuls, and of course, through the two, the other consuls, of the dangers that have followed; 3. That although at that date I had already refused to allow any person whatsoever to pass the line of investment either way, yet the blockade had been left open to the consuls and other neutrals to pass out to their respective ships of war up to the 22d instant; and, 4. I shall inclose to the memorialists a copy of my summons to the governor, to show that I had fully considered the impending hardships and distresses of the place, including those of women and children, before one gun had been fired in that direction. The intercourse between the neutral ships of war and the city was stopped at the last-mentioned date by Commodore Perry, with my concurrence, which I placed on the ground that that intercourse could not fail to give the enemy moral aid and comfort.

"It will be seen from the memorial, that our batteries have already had a terrible effect on the city (also known through other sources), and hence the inference that a surrender must soon be proposed. In haste.

"I have the honor to remain, sir, with respect, your most obedient servant,

WINFIELD SCOTT."

"HON. WILLIAM L. MARCY, Secretary of War."

"HEAD-QUARTERS OF THE ARMY, VERA CRUZ, }  
"March 29, 1847. }

"SIR,—The flag of the United States of America floats triumphantly over the walls of this city and the castle of San Juan d'Ulloa.

"Our troops have garrisoned both since ten o'clock; it is now noon. Brigadier-General Worth is in command of the two places.

"Articles of capitulation were signed and exchanged at a late hour night before last. I inclose a copy of the document.

"I have heretofore reported the principal incidents of the siege up to the 25th instant. Nothing of striking interest occurred till early in the morning of the next day, when I received overtures from General Landero, on whom General Morales had devolved the principal command. A terrible storm of wind and sand made it difficult to communicate with the city, and impossible to refer to Commodore Perry. I was obliged to entertain the proposition alone, or to continue the fire upon a place that had shown a disposition to surrender; for the loss of a day, or perhaps several, could not be permitted. The accompanying papers will show the proceedings and results.

"Yesterday, after the norther had abated, and the commissioners appointed by me early the morning before had again met those appointed by General Landero, Commodore Perry sent ashore his second in command, Captain Aulick, as a commissioner on the part of the navy. Although not included in my specific arrangement made with the Mexican commander, I did not hesitate, with proper courtesy, to desire that Captain Aulick might be duly introduced and allowed to participate in the discussions and acts of the commissioners who had been reciprocally accredited. Hence the preamble to his signature. The original American commissioners were Brevet Brigadier-General Worth, Brigadier-General Pillow, and

Colonel Totten. Four more able or judicious officers could not have been desired.

"I have to add but little more. The remaining details of the siege, the able co-operation of the United States squadron, successively under the command of Commodores Conner and Perry, the admirable conduct of the whole army, regulars and volunteers, I should be happy to dwell upon as they deserve; but the steamer *Princeton*, with Commodore Conner on board, is under way, and I have commenced organizing an advance into the interior. This may be delayed a few days, waiting the arrival of additional means of transportation. In the meantime a joint operation, by land and water, will be made upon Alvarado. No lateral expedition, however, shall interfere with the grand movement towards the capital.

"In consideration of the great services of Colonel Totten, in the siege that has just terminated most successfully, and the importance of his presence at Washington, as the head of the engineer bureau, I intrust this dispatch to his personal care, and beg to commend him to the very favorable consideration of the Department.

"I have the honor to remain, sir, with high respect,  
your most obedient servant, WINFIELD SCOTT."

"HON. WILLIAM L. MARCY, Secretary of War."

The Mexican general, hoping to receive such favorable terms of surrender as had been accorded his brethren at Monterey, made a similar proposition to General Scott, desiring to move out of the beleaguered city and castle with all his munitions of war, and the army, without being regarded as prisoners of war. But in this he was deceived. The following are the terms of the capitulation:—

"Generals W. J. Worth and G. J. Pillow and Colonel J. G. Totten, Chief Engineer, on the part of Major-General



Scott, General-in-Chief of the armies of the United States; and Colonel Jose Gutierrez de Villanueva, Lieutenant-Colonel of the Engineers, Manuel Robles, and Colonel Pedra de Herrera, commissioners appointed by General of Brigade, Don Jose Juan Landero, Commander-in-Chief, Vera Cruz, the Castle of San Juan d'Ulloa, and their dependencies, for the surrender to the arms of the United States of the said forts, with their armaments, munitions of war, garrisons, and arms.

"1. The whole garrison or garrisons to be surrendered to the arms of the United States as prisoners of war, the 29th inst., at ten o'clock A. M.; the garrisons to be permitted to march out with all the honors of war, and to lay down their arms to such officers as may be appointed by the General-in-Chief of the United States, and at a point to be agreed on by the commissioners.

"2. Mexican officers shall preserve their arms and private effects, including horse and horse furniture, and to be allowed, regular and irregular officers, and also to rank and file, five days to retire to their respective homes, on parole, as hereinafter prescribed.

"3. Coincident with the surrender, as stipulated in article one, the Mexican flags of the various forts and stations shall be struck, saluted by their own batteries; and, immediately thereafter, Forts Santiago and Concepcion and the Castle of San Juan d'Ulloa, occupied by the forces of the United States.

"4. The rank and file of the regular portion of the prisoners to be disposed of, after surrender and parole, as their General-in-Chief may desire, and the irregular to be permitted to return to their homes. The officers, in respect to all arms and descriptions of force, giving the usual parole, that the said rank and file, as well as themselves, shall not serve again until duly exchanged.

"All the *materiel* of war, and all public property of every description found in the city, the Castle of San

Juan d'Ulloa, and their dependencies, to belong to the United States; but the armament of the same (not injured or destroyed in the further prosecution of the actual war) may be considered as liable to be restored to Mexico by a definitive treaty of peace.

"6. The sick and wounded Mexicans to be allowed to remain in the city, with such medical officers of the army as may be necessary to their care and treatment.

"7. Absolute protection is solemnly guaranteed to persons in the city, and property, and it is clearly understood that no private building or property is to be taken or used by the forces of the United States without previous arrangement with the owners, and for a fair equivalent.

"8. Absolute freedom of religious worship and ceremonies is solemnly guaranteed."

## CHAPTER XVI.

WAR WITH MEXICO—THE PRESIDENT'S SECOND ANNUAL  
MESSAGE—COLONEL BENTON'S HAND—QUES-  
TIONS AND CAUSES.

LEAVING the seat of carnage in Mexico, it is now necessary to return to other scenes of contention and strife, not less determined and spirited, although less bloody, at Washington. Two years before Mr. Polk had entered upon the administration of the Government under most exciting circumstances, and for him there had been no rest or quiet. For two summers he had not left the White House except for a few weeks, perhaps, in 1845, while the place was undergoing some repairs. The preparation of his forthcoming message occupied much of the President's time towards the close of the summer of 1846, as it was now necessary to put the course of the war and Administration before the country, and some mysterious events were to be made plain.

On the 7th of December, 1846, that is, the first Monday, Congress again convened for the short session, ending March 3, 1847, and there being no new organization to be wrangled and fought over, business was at once begun. On the 8th the President, sent his second general Message to Congress

which, in some respects, begins the history of his Administration before the date of his first communication to that body, and is certainly one of the most interesting of all the Executive Messages.

## SECOND ANNUAL MESSAGE.

*December 8, 1846.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

In resuming your labors in the service of the people, it is a subject of congratulation that there has been no period in our past history, when all the elements of national prosperity have been so fully developed. Since your last session, no afflicting dispensation has visited our country; general good health has prevailed; abundance has crowned the toil of the husbandman; and labor in all its branches is receiving an ample reward, while education, science, and the arts are rapidly enlarging the means of social happiness. The progress of our country in her career of greatness, not only in the vast extension of our territorial limits, and the rapid increase of our population, but in resources and wealth, and in the happy condition of our people, is without example in the history of nations.

As the wisdom, strength, and beneficence of our free institutions are unfolded, every day adds fresh motives to contentment, and fresh incentives to patriotism.

Our devout and sincere acknowledgments are due to the gracious Giver of all good, for the numberless blessings which our beloved country enjoys.

It is a source of high satisfaction to know that the relations of the United States with all other nations, with a single exception, are of the most amicable character. Sincerely attached to the policy of peace, early adopted and steadily pursued by this Government, I have anxiously desired to cultivate and cherish friendship and commerce with every foreign power. The spirit and habits of the American people are favorable to the maintenance of such international harmony. In adhering to this wise policy, a preliminary and paramount duty obviously



consists in the protection of our national interests from encroachment or sacrifice, and our national honor from reproach. These must be maintained at any hazard. They admit of no compromise or neglect, and must be scrupulously and constantly guarded. In their vigilant vindication, collision and conflict with foreign powers may sometimes become unavoidable. Such has been our scrupulous adherence to the dictates of justice, in all our foreign intercourse, that, though steadily and rapidly advancing in prosperity and power, we have given no just cause of complaint to any nation, and have enjoyed the blessings of peace for more than thirty years. From a policy so sacred to humanity, and so salutary in its effects upon our political system, we should never be induced voluntarily to depart.

The existing war with Mexico was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to, to avert it. After years of endurance of aggravated and unredressed wrongs on our part, Mexico, in violation of solemn treaty stipulations, and of every principle of justice recognized by civilized nations, commenced hostilities; and thus, by her own act, forced the war upon us. Long before the advance of our army to the left bank of the Rio Grande, we had ample cause of war against Mexico; and had the United States resorted to this extremity, we might have appealed to the whole civilized world for the justice of our cause.

I deem it to be my duty to present to you, on the present occasion, a condensed review of the injuries we had sustained, of the causes which led to the war, and of its progress since its commencement. This is rendered the more necessary because of the misapprehensions which have to some extent prevailed as to its origin and true character. The war has been represented as unjust and unnecessary, and as one of aggression on our part upon a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated, not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war, than to advocate and adhere to their cause, and thus give them "aid and comfort."

It is a source of national pride and exultation, that the great body of our people have thrown no such obstacles in the way of the Government in prosecuting the war successfully, but have shown themselves to be eminently patriotic, and ready to vindicate their country's honor and interest at any sacrifice. The alacrity and promptness with which our volunteer forces rushed to the field on their country's call, prove not only their patriotism, but their deep conviction that our cause is just.

The wrongs which we have suffered from Mexico almost ever since she became an independent power, and the patient endurance with which we have borne them, are without a parallel in the history of modern civilized nations. There is reason to believe that, if these wrongs had been resented and resisted in the first instance, the present war might have been avoided. One outrage, however, permitted to pass with impunity, almost necessarily encouraged the perpetration of another, until at last Mexico seemed to attribute to weakness and indecision, on our part, a forbearance which was the offspring of magnanimity, and of a sincere desire to preserve friendly relations with a sister republic.

Scarcely had Mexico achieved her independence, which the United States were the first among the nations to acknowledge, when she commenced the system of insult and spoliation, which she has ever since pursued. Our citizens engaged in lawful commerce were imprisoned, their vessels seized, and our flag insulted in her ports. If money was wanted, the lawless seizure and confiscation of our merchant vessels and their cargoes was a ready resource; and if, to accomplish their purposes, it became necessary to imprison the owners, captains, and crew, it was done. Rulers superseded rulers in Mexico in rapid succession, but still there was no change in this system of depredation. The Government of the United States made repeated reclamations on behalf of its citizens, but these were answered by the perpetration of new outrages. Promises of redress made by Mexico in the most solemn forms were postponed or evaded. The files and records of the Department of State contain conclusive proofs of numerous lawless acts perpetrated upon the property and persons of our citizens by Mexico, and of wanton insult to our national flag. The interposition of our Govern-

ment to obtain redress was again and again invoked under circumstances which no nation ought to disregard.

It was hoped that these outrages would cease, and that Mexico would be restrained by the laws which regulate the conduct of civilized nations in their intercourse with each other after the treaty of amity, commerce, and navigation, of the 6th of April, 1831, was concluded between two republics; but this hope soon proved to be vain. The course of seizure and confiscation of the property of our citizens, the violation of their persons, and the insults to our flag, pursued by Mexico previous to that time, were scarcely suspended for even a brief period, although the treaty so clearly defines the rights and duties of the respective parties, that it is impossible to misunderstand or mistake them. In less than seven years after the conclusion of that treaty our grievances had become so intolerable, that, in the opinion of President Jackson, they should no longer be endured. In his message to Congress in February, 1837, he presented them to the consideration of that body, and declared that "The length of time since some of the injuries had been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war." In a spirit of kindness and forbearance, however, he recommended reprisals as a milder mode of redress. He declared that war should not be used as a remedy "by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided;" and added, "It has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end, I

recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war upon the coast of Mexico."

Committees of both Houses of Congress, to which this Message of this President was referred, fully sustained his views of the character of the wrongs which we had suffered from Mexico, and recommended that another demand for redress should be made before authorizing war or reprisals. The Committee on Foreign Relations of the Senate, in their report, say: "After such a demand, should prompt justice be refused by the Mexican government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted toward a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress, at the commencement of the next session, in a clear and distinct form; and the committee can not doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured citizens."

The Committee on Foreign Affairs of the House of Representatives made a similar recommendation. In their report they say that "they fully concur with the President, that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican government, before any further proceedings are adopted."

No difference of opinion upon the subject is believed to have existed in Congress at that time; the Executive and legislative departments concurred; and yet such has been our forbearance and desire to preserve peace with Mexico, that the wrongs of which we then complained, and which gave rise to these solemn proceedings, not only remained unredressed to this



day, but additional causes of complaint, of an aggravated character, have ever since been accumulating.

Shortly after these proceedings a special messenger was dispatched to Mexico, to make a final demand for redress; and, on the 20th of July, 1837, the demand was made. The reply of the Mexican government bears date on the 29th of the same month, and contains assurances of the "anxious wish" of the Mexican government "not to delay the moment of that final and equitable adjustment, which is to terminate the existing difficulties between the two governments;" that "nothing should be left undone, which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the American Government;" that the "Mexican government would adopt, as the only guides for its conduct, the plainest principles of public right, the sacred obligations imposed by international law and the religious faith of treaties;" and that "whatever reason and justice may dictate respecting each case will be done." The assurance was further given, that the decision of the Mexican government upon each cause of complaint for which redress had been demanded, should be communicated to the Government of the United States by the Mexican Minister at Washington.

These solemn assurances in answer to our demand for redress were disregarded. By making them, however, Mexico obtained further delay. President Van Buren, in his Annual Message to Congress, of the 5th of December, 1837, states that "although the larger number" of our demands for redress, and "many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican Minister;" and that "for not one of our public complaints has satisfaction been given or offered; that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions, out of all of those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican

government." President Van Buren, believing that it would be vain to make any further attempt to obtain redress by the ordinary means within the power of the Executive, communicated this opinion to Congress in the Message referred to, in which he said: "On a careful and deliberate examination of the contents" (of the correspondence with the Mexican government), "and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress." Had the United States at that time adopted compulsory measures, and taken redress into their own hands, all our difficulties with Mexico would probably have been long since adjusted, and the existing war have been averted. Magnanimity and moderation on our part only had the effect to complicate these difficulties, and render an amicable settlement of them more embarrassing. That such measures of redress, under similar provocations, committed by any of the powerful nations of Europe, would have been promptly resorted to by the United States, can not be doubted. The national honor, and the preservation of the national character throughout the world, as well as our own self-respect and the protection due to our own citizens, would have rendered such a resort indispensable. The history of no civilized nation in modern times has presented within so brief a period so many wanton attacks upon the honor of its flag, and upon the property and persons of its citizens as had at that time been borne by the United States from the Mexican authorities and people. But Mexico was a sister republic on the North American Continent, occupying a territory contiguous to our own, and was in a feeble and distracted condition; and these considerations, it is presumed, induced Congress to forbear still longer.

Instead of taking redress into our own hands, a new negotiation was entered upon with fair promises on the part of Mexico, but with the real purpose, as the event has proved, of indefinitely postponing the reparation which we demanded, and which was so justly due. This negotiation, after more than a year's delay, resulted in the convention of the 11th of April, 1839, "for the adjustment of claims of citizens of the

United States of America upon the government of the Mexican Republic." The joint Board of Commissioners created by this convention, to examine and decide upon these claims, was not organized until the month of August, 1840, and under the terms of the convention they were to terminate their duties within eighteen months from that time. Four of the eighteen months were consumed in preliminary discussions on frivolous and dilatory points raised by the Mexican Commissioners; and it was not until the month of December, 1840, that they commenced the examination of the claims of our citizens upon Mexico. Fourteen months only remained to examine and decide upon these numerous and complicated cases. In the month of February, 1842, the term of the commission expired, leaving many claims undisposed of for want of time. The claims which were allowed by the board, and by the umpire authorized by the convention to decide in case of disagreement between the Mexican and American Commissioners, amounted to two millions twenty-six thousand one hundred and thirty-nine dollars and thirty-eight cents. There were pending before the umpire, when the commission expired, additional claims which had been examined and awarded by the American Commissioners, and had not been allowed by the Mexican Commissioners, amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, upon which he did not decide, alleging that his authority had ceased with the termination of the joint commission. Besides these claims there were others of American citizens, amounting to three millions three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, which had been submitted to the board, and upon which they had not time to decide before their final adjournment.

The sum of two million twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, which had been awarded to the claimants, was a liquidated and ascertained debt due by Mexico, about which there could be no dispute, and which she was bound to pay according to the terms of the convention. Soon after the final awards for this amount had been made, the Mexican government asked for a postponement of the time of making payment, alleging that it would be incon-

venient to make the payment at the time stipulated. In the spirit of forbearing kindness toward a sister republic, which Mexico has so long abused, the United States promptly complied with her request. A second convention was accordingly concluded between the two governments, on the 30th of January, 1843, which, upon its face, declares that "this new arrangement is entered into for the accommodation of Mexico." By the terms of this convention all the interest due on the awards which had been made in favor of the claimants under the convention of the 11th of April, 1839, was to be paid to them on the 30th of April, 1843, and "the principal of the said awards, and the interest accruing thereon," was stipulated to "be paid in five years, in equal installments every three months." Notwithstanding this new convention was entered into at the request of Mexico, and for the purpose of relieving her from embarrassment, the claimants have only received the interest due on the 30th of April, 1843, and three of the twenty installments. Although the payment of the sum thus liquidated, and confessedly due by Mexico to our citizens as indemnity for acknowledged acts of outrage and wrong, was secured by treaty, the obligations of which are ever held sacred by all just nations, yet Mexico has violated this solemn engagement by failing and refusing to make the payment. The two installments due in April and July, 1844, under the peculiar circumstances connected with them have been assumed by the United States and discharged to the claimants, but they are still due by Mexico. But this is not all of which we have just cause of complaint. To provide a remedy for the claimants whose cases were not decided by the joint commission under the convention of April the 11th, 1839, it was expressly stipulated by the sixth article of the convention of the 30th of January, 1843, that "a new convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the republic of Mexico, which were not finally decided by the late commission, which met in the City of Washington, and of all claims of the government and citizens of Mexico against the United States."

In conformity with this stipulation, a third convention was concluded and signed at the City of Mexico, on the 20th of



November, 1843, by the plenipotentiaries of the two governments, by which provision was made for ascertaining and paying these claims. In January, 1844, this convention was ratified by the Senate of the United States with two amendments, which were manifestly reasonable in their character. Upon a reference of the amendments proposed to the government of Mexico, the same evasions, difficulties, and delays were interposed, which have so long marked the policy of that government toward the United States. It has not even yet decided whether it would or would not accede to them, although the subject has been repeatedly pressed upon its consideration.

Mexico has thus violated a second time the faith of treaties, by failing or refusing to carry into effect the sixth article of the Convention of January, 1843.

Such is the history of the wrongs which we have suffered and patiently endured from Mexico, through a long series of years. So far from affording reasonable satisfaction for the injuries and insults we had borne, a great aggravation of them consists in the fact, that while the United States, anxious to preserve a good understanding with Mexico, have been constantly, but vainly, employed in seeking redress for past wrongs, new outrages were constantly occurring, which have continued to increase our causes of complaint, and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico, under the guaranty of a treaty of "amity, commerce, and navigation," many of them have suffered all the injuries which would have resulted from open war. This treaty, instead of affording protection to our citizens, has been the means of inviting them into the ports of Mexico, that they might be, as they have been in numerous instances, plundered of their property and deprived of their personal liberty, if they dared insist on their rights. Had the unlawful seizures of American property, and the violation of the personal liberty of our citizens, to say nothing of the insults to our flag which have occurred in the ports of Mexico, taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations, plunder our citizens of their property, and imprison

their persons without affording them any redress, we have failed to perform one of the first and highest duties which every government owes to its citizens; and the consequence has been, that many of them have been reduced from a state of affluence to bankruptcy. The proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities. But even then we forebore to take redress into our own hands, until Mexico herself became the aggressor, by invading our soil in hostile array, and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet, animated by the love of peace, and a magnanimous moderation, we did not adopt those measures of redress which, under such circumstances, are the justified resort of injured nations.

The annexation of Texas to the United States constituted no just cause of offense to Mexico. The pretext that it did so is wholly inconsistent and irreconcilable with well-authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest, it may be proper to advert to the causes and to the history of the principal events of that revolution.

Texas constituted a portion of the ancient province of Louisiana, ceded to the United States by France in the year 1803. In the year 1819, the United States, by the Florida treaty, ceded to Spain all that part of Louisiana within the present limits of Texas; and Mexico, by the revolution which separated her from Spain, and rendered her an independent nation, succeeded to the rights of the mother country over this territory. In the year 1824, Mexico established a federal constitution, under which the Mexican republic was composed of a number of sovereign States, confederated together in a federal union similar to our own. Each of these States had its own executive, legislature, and judiciary, and, for all except federal purposes, was as independent of the general government, and that of the other States, as is Pennsylvania or Virginia under our Consti-

tution. Texas and Coahuila united and formed one of these Mexican States. The State constitution which they adopted, and which was approved by the Mexican confederacy, asserted that they were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever;" and proclaimed the great principle of human liberty, that "the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it." To the government under this constitution, as well as to that under the federal constitution, the people of Texas owed allegiance.

Emigrants from foreign countries, including the United States, were invited by the colonization laws of the State and of the federal government, to settle in Texas. Advantageous terms were offered to induce them to leave their own country and become Mexican citizens. This invitation was accepted by many of our citizens, in the full faith that in their new home they would be governed by laws enacted by representatives elected by themselves, and that their lives, liberty, and property would be protected by constitutional guarantees similar to those which existed in the republic they had left. Under a government thus organized, they continued until the year 1835, when a military revolution broke out in the City of Mexico, which entirely subverted the federal and State constitutions, and placed a military dictator at the head of the government.

By a sweeping decree of a Congress subservient to the will of the dictator, the several State constitutions were abolished, and the States themselves converted into mere departments of the central government. The people of Texas were unwilling to submit to this usurpation. Resistance to such tyranny became a high duty. Texas was fully absolved from all allegiance to the central government of Mexico from the moment that government had abolished her State constitution, and in its place substituted an arbitrary and despotic central government.

Such were the principal causes of the Texan revolution. The people of Texas at once determined upon resistance, and flew to arms. In the midst of these important and exciting events, however, they did not omit to place their liberties upon a secure and permanent foundation. They elected members to

a convention, who, in the month of March, 1836, issued a formal declaration that their "political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations." They also adopted for their government a liberal republican constitution. About the same time Santa Anna, then the dictator of Mexico, invaded Texas with a numerous army, for the purpose of subduing the people, and enforcing obedience to his arbitrary and despotic government. On the 21st of April, 1836, he was met by the Texan citizen soldiers, and on that day was achieved by them the memorable victory of San Jacinto, by which they conquered their independence. Considering the numbers engaged on the respective sides, history does not record a more brilliant achievement. Santa Anna himself was among the captives.

In the month of May, 1836, Santa Anna acknowledged, by a treaty with the Texan authorities, in the most solemn form, "the full, entire, and perfect independence of the republic of Texas." It is true he was then a prisoner of war, but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; that his authority had not been revoked, and that by virtue of this treaty he obtained his personal release. By it hostilities were suspended, and the army which had invaded Texas under his command returned in pursuance of this arrangement, unmolested, to Mexico.

From the day that the battle of San Jacinto was fought until the present hour, Mexico has never possessed the power to reconquer Texas. In the language of the Secretary of State of the United States, in a dispatch to our minister in Mexico, under date of the 8th of July, 1842, "Mexico may have chosen to consider, and may still choose to consider Texas as having been at all times since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty



by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to re-establish her own authority over that territory, it can not but be surprising to find Mr. De Bocanegra" (the Secretary of Foreign Affairs of Mexico) "complaining that for that whole period citizens of the United States, or its Government, have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the reduction of the province of Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad." In the same dispatch the Secretary of State affirms that "since 1837 the United States have regarded Texas as an independent sovereignty, as much as Mexico; and that trade and commerce with citizens of a government at war with Mexico can not, on that account, be regarded as an intercourse by which assistance and succor are given to Mexican rebels. The whole current of Mr. de Bocanegra's remarks runs in the same direction, as if the independence of Texas had not been acknowledged. It has been acknowledged—it was acknowledged in 1837, against the remonstrance and protest of Mexico; and most of the acts, of any importance, of which Mr. de Bocanegra complains, flow necessarily from that recognition. He speaks of Texas as still being 'an integral part of the territory of the Mexican republic;' but he can not but understand that the United States do not so regard it. The real complaint of Mexico, therefore, is, in substance, neither more nor less than a complaint against the recognition of Texan independence. It may be thought rather late to repeat that complaint, and not quite just to confine it to the United States, to the exemption of England, France, and Belgium, unless the United States, having been the first to acknowledge the independence of Mexico herself, are to be blamed for setting an example for the recognition of that of Texas." And he added, that "the Constitution, public treaties, and the laws oblige the President to regard Texas as an independent State, and its territory as no part of the territory of Mexico." Texas had been an independent State, with an organized government, defying the power of Mexico to overthrow or reconquer her, for more than ten

years before Mexico commenced the present war against the United States. Texas had given such evidence to the world of her ability to maintain her separate existence as an independent nation, that she had been formally recognized as such, not only by the United States but by several of the principal powers of Europe. These powers had entered into treaties of amity, commerce, and navigation with her. They had received and accredited her ministers and other diplomatic agents at their respective courts, and they had commissioned ministers and diplomatic agents on their part to the government of Texas. If México, notwithstanding all this, and her utter inability to subdue or reconquer Texas, still stubbornly refused to recognize her as an independent nation, she was none the less so on that account. Mexico herself had been recognized as an independent nation by the United States, and by other powers, many years before Spain, of which, before her revolution, she had been a colony, would agree to recognize her as such, and yet Mexico was at that time, in the estimation of the civilized world, and in fact, none the less an independent power, because Spain still claimed her as a colony. If Spain had continued until the present period to assert that Mexico was one of her colonies, in rebellion against her, this would not have made her so, or changed the fact of her independent existence. Texas, at the period of her annexation to the United States, bore the same relation to Mexico that Mexico had borne to Spain for many years before Spain acknowledged her independence, with this important difference—that, before the annexation of Texas to the United States was consummated, Mexico herself, by a formal act of her government, had acknowledged the independence of Texas as a nation. It is true, that in the act of recognition she prescribed a condition, which she had no power or authority to impose, that Texas should not annex herself to any other power; but this could not detract in any degree from the recognition which Mexico then made of her actual independence. Upon this plain statement of facts, it is absurd for Mexico to allege as a pretext for commencing hostilities against the United States, that Texas is still a part of her territory.

But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is

the Nueces instead of the Rio Grande ; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texan line, and invaded the territory of Mexico. A simple statement of facts, known to exist, will conclusively refute such an assumption. Texas, as ceded to the United States by France, in 1803, has been always claimed as extending west to the Rio Grande, or Rio Bravo. This fact is established by the authority of our most eminent statesmen at a period when the question was as well if not better understood than it is at present. During Mr. Jefferson's Administration, Messrs. Monroe and Pinckney, who had been sent on a special mission to Madrid, charged, among other things, with the adjustment of boundary between the two countries, in a note addressed to the Spanish Minister of Foreign Affairs, under date of the 28th of January, 1805, assert that the boundaries of Louisiana, as ceded to the United States by France, "are the river Perdido on the east, and the river Bravo on the west;" and they add, that "the facts and principles which justify this conclusion are so satisfactory to our government as to convince it that the United States have not a better right to the Island of New Orleans, under the cession referred to, than they have to the whole district of territory which is above described."

Down to the conclusion of the Florida treaty, in February, 1819, by which this territory was ceded to Spain, the United States asserted and maintained their territorial rights to this extent. In the month of June, 1818, during Mr. Monroe's Administration, information having been received that a number of foreign adventurers had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, a special messenger was dispatched by the Government of the United States, with instructions from the Secretary of State to warn them to desist, should they be found there "or any other place north of the Rio Bravo, and within the territory claimed by the United States." He was instructed, should they be found in the country north of that river, to make known to them "the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful

settlement can be made without their sanction." He was instructed to call upon them to "avow under what national authority they profess to act," and to give them due warning "that the place is within the United States, who will suffer no permanent settlement to be made there, under any authority other than their own." As late as the 8th of July, 1842, the Secretary of State of the United States, in a note addressed to our minister in Mexico, maintains that, by the Florida treaty of 1819, the territory as far west as the Rio Grande was confirmed to Spain. In that note he states that, "by the treaty of the 22d of February, 1819, between the United States and Spain, the Sabine was adopted as the line of boundary between the two powers. Up to that period, no considerable colonization had been effected in Texas; but the territory between the Sabine and the Rio Grande being confirmed to Spain by the treaty, applications were made to that power for grants of land, and such grants, or permissions of settlement, were in fact made by the Spanish authorities in favor of citizens of the United States proposing to emigrate to Texas in numerous families, before the declaration of independence by Mexico."

The Texas which was ceded to Spain by the Florida treaty of 1819 embraced all the country now claimed by the State of Texas between the Nueces and the Rio Grande. The republic of Texas always claimed this river as her western boundary, and in her treaty made with Santa Anna, in May, 1836, he recognized it as such.

By the constitution which Texas adopted in March, 1836, senatorial and representative districts were organized extending west of the Nueces. The Congress of Texas, on the 19th of December, 1836, passed an "Act to define the boundaries of the Republic of Texas," in which they declared the Rio Grande from its mouth to its source to be their boundary, and by the said act they extended their "civil and political jurisdiction" over the country up to that boundary. During a period of more than nine years, which intervened between the adoption of her constitution and her annexation as one of the States of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces. She organized and defined the limits of



counties extending to the Rio Grande. She established courts of justice, and extended her judicial system over the territory. She established a custom-house, and collected duties, and also post-offices and post-roads in it. She established a land office, and issued numerous grants for land within its limits. A Senator and Representative residing in it were elected to the Congress of the republic, and served as such before the act of annexation took place. In both the Congress and Convention of Texas, which gave their assent to the terms of annexation to the United States, proposed by our Congress, were representatives residing west of the Nueces, who took part in the act of annexation itself. This was the Texas which, by the act of our Congress of the 29th of December, 1845, was admitted as one of the States of our Union. That the Congress of the United States understood the State of Texas which they admitted into the Union to extend beyond the Nueces is apparent from the fact, that on the 31st day of December, 1845, only two days after the act of admission, they passed a law "to establish a collection district in the State of Texas," by which they created a port of delivery at Corpus Christi, situated west of the Nueces, and being the same point at which the Texas custom-house, under the laws of that republic, had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the President, by and with the advice and consent of the Senate. A surveyor was accordingly nominated, and confirmed by the Senate, and has been ever since in the performance of his duties. All these acts of the Republic of Texas, and of our Congress, preceded the orders for the advance of our army to the east bank of the Rio Grande. Subsequently, Congress passed an act "establishing certain post routes," extending west of the Nueces. The country west of that river now constitutes a part of one of the Congressional districts of Texas, and is represented in the House of Representatives. The Senators from that State were chosen by a Legislature in which the country west of that river was represented. In view of all these facts, it is difficult to conceive upon what grounds it can be maintained that, in occupying the country west of the Nueces with our army, with a view solely to its security and defense, we invaded the

territory of Mexico. But it would have been still more difficult to justify the Executive, whose duty it is to see that the law be faithfully executed, if, in the face of all these proceedings, both of the Congress of Texas and of the United States, he had assumed the responsibility of yielding up the territory west of the Nueces to Mexico, or of refusing to protect and defend this territory and its inhabitants, including Corpus Christi, as well as the remainder of Texas, against the threatened Mexican invasion.

But Mexico herself has never placed the war which she has waged upon the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande. Her refuted pretension, that Texas was not an independent State, but a rebellious province, was obstinately persevered in; and her avowed purpose in commencing a war with the United States was to reconquer Texas, and to restore Mexican authority over the whole territory, not to the Nueces alone, but to the Sabine. In view of the proclaimed menaces of Mexico to this effect, I deemed it my duty, as a measure of precaution and defense, to order our army to occupy a position on our frontier as a military post, from which our troops could best resist and repel any attempted invasion which Mexico might make.

Our army had occupied a position at Corpus Christi, west of the Nueces, as early as August, 1845, without complaint from any quarter. Had the Nueces been regarded as the true western boundary of Texas, that boundary had been passed by our army many months before it advanced to the eastern bank of the Rio Grande. In my annual message of December last, I informed Congress that, upon the invitation of both the Congress and Convention of Texas, I had deemed it proper to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas, to protect and defend the inhabitants against the menaced invasion of Mexico. In that message I informed Congress that the moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defense; and that for that purpose our

squadron had been ordered to the Gulf, and our army to "take a position between the Nueces and the Del Norte," or Rio Grande, and "to repel any invasion of the Texan territory which might be attempted by the Mexican forces."

It was deemed proper to issue this order, because soon after the President of Texas, in April, 1845, had issued his proclamation convening the Congress of that Republic, for the purpose of submitting to that body the terms of annexation proposed by the United States, the Government of Mexico made serious threats of invading the Texan territory.

These threats became more imposing as it became more apparent, in the progress of the question, that the people of Texas would decide in favor of accepting the terms of annexation; and, finally, they had assumed such a formidable character, as induced both the Congress and Convention of Texas to request that a military force should be sent by the United States into her territory, for the purpose of protection and defending her against the threatened invasion. It would have been a violation of good faith toward the people of Texas to have refused to afford the aid which they desired against a threatened invasion, to which they had been exposed by their free determination to annex themselves to our Union, in compliance with the overture made to them by the joint resolution of our Congress.

Accordingly, a portion of the army was ordered to advance into Texas. Corpus Christi was the position selected by General Taylor. He encamped at that place in August, 1845, and the army remained in that position until the 11th of March, 1846, when it moved westward, and on the 28th of that month, reached the east bank of the Rio Grande, opposite to Matamoras. This movement was made in pursuance of orders from the War Department, issued on the 13th of January, 1846. Before these orders were issued, the dispatch of our minister in Mexico, transmitting the decision of the council of government of Mexico, advising that he should not be received, and also the dispatch of our consul residing in the city of Mexico, the former bearing date on the 17th, and the latter on the 18th of December, 1845, copies of both of which accompanied my Message to Congress of the 11th of May last,

were received at the Department of State. These communications rendered it highly probable, if not absolutely certain, that our minister would not be received by the government of General Herrera. It was also well known that but little hope could be entertained of a different result from General Paredes, in case the revolutionary movement which he was prosecuting should prove successful, as was highly probable. The partisans of Paredes, as our minister, in the dispatch referred to, states, breathed the fiercest hostility against the United States, denounced the proposed negotiation as treason, and openly called upon the troops and the people to put down the government of Herrera by force. The reconquest of Texas and war with the United States were openly threatened. These were the circumstances existing, when it was deemed proper to order the army under the command of General Taylor to advance to the western frontier of Texas, and occupy a position on or near the Rio Grande.

The apprehensions of a contemplated Mexican invasion have been since fully justified by the event. The determination of Mexico to rush into hostilities with the United States was afterward manifested, from the whole tenor of the note of the Mexican Minister of Foreign Affairs to our minister, bearing date on the 12th of March, 1846. Paredes had then revolutionized the government, and his minister, after referring to the resolution for the annexation of Texas, which had been adopted by our Congress in March, 1845, proceeds to declare that "a fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The supreme government had beforehand declared that it would look upon such an act as a *casus belli*, and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican government."

It appears, also, that on the 4th of April following, General Paredes, through his Minister of War, issued orders to the Mexican general in command on the Texan frontier to "attack" our army "by every means which war permits." To this General Paredes had been pledged to the army and people



of Mexico during the military revolution which had brought him into power. On the 18th of April, 1846, General Paredes addressed a letter to the commander on that frontier, in which he stated to him, "At the present date I suppose you at the head of that valiant army, either fighting already or preparing for the operations of a campaign;" and, "Supposing you already on the theater of operations, and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy."

The movement of our army to the Rio Grande was made by the commanding general, under positive orders to abstain from all aggressive acts towards Mexico, or Mexican citizens, and to regard the relations between the two countries as peaceful, unless Mexico should declare war, or commit acts of hostility indicative of a state of war; and these orders he faithfully executed. Whilst occupying his position on the east bank of the Rio Grande, within the limits of Texas, then recently admitted as one of the States of our Union, the commanding general of the Mexican forces, who, in pursuance of the orders of his government, had collected a large army on the opposite shore of the Rio Grande, crossed the river, invaded our territory, and commenced hostilities by attacking our forces.

Thus, after all the injuries which we had received and borne from Mexico, and after she had insultingly rejected a minister sent to her on a mission of peace, and whom she had solemnly agreed to receive, she consummated her long course of outrage against our country by commencing an offensive war, and shedding the blood of our own citizens on our own soil.

The United States never attempted to acquire Texas by conquest. On the contrary, at an early period after the people of Texas had achieved their independence, they sought to be annexed to the United States. At a general election in September, 1835, they decided, with great unanimity, in favor of "annexation;" and, in November following, the Congress of the republic authorized the appointment of a minister to bear their request to this Government. The Government, however, having remained neutral between Texas and Mexico during the war between them, and considering it due to the honor of our country and our fair fame among the nations of the earth,

that we should not at this early period consent to annexation, nor until it should be manifest to the whole world that the reconquest of Texas by Mexico was impossible, refused to accede to the overtures made by Texas. On the 12th of April, 1844, and after more than seven years had elapsed since Texas had established her independence, a treaty was concluded for the annexation of that republic to the United States, which was rejected by the Senate. Finally, on the 1st of March, 1845, Congress passed a joint resolution for annexing her to the United States, upon certain preliminary conditions to which her assent was required. The solemnities which characterized the deliberations and conduct of the government and people of Texas, on the deeply interesting questions presented by these resolutions, are known to the world. The Congress, the Executive, and the people of Texas, in a convention elected for that purpose, accepted with great unanimity the proposed terms of annexation; and thus consummated on her part the great act of restoring to our Federal Union a vast territory which had been ceded to Spain by the Florida treaty, more than a quarter of a century before.

After the joint resolution for the annexation of Texas to the United States had been passed by our Congress, the Mexican Minister at Washington addressed a note to the Secretary of State, bearing date on the 6th of March, 1845, protesting against it as "an act of aggression, the most unjust which can be found recorded in the annals of modern history; namely, that of despoiling a friendly nation, like Mexico, of a considerable portion of her territory;" and protesting against the resolution of annexation, as being an act "whereby the province of Texas, an integral portion of the Mexican territory, is agreed and admitted into the American Union;" and he announced that, as a consequence, his mission to the United States had terminated, and demanded his passports, which were granted. It was upon the absurd pretext made by Mexico (herself indebted for her independence to a successful revolution), that the Republic of Texas still continued to be, notwithstanding all that had passed, a province of Mexico, that this step was taken by the Mexican Minister.

Every honorable effort has been used by me to avoid the

war which followed, but all have proved vain. All our attempts to preserve peace have been met by insult and resistance on the part of Mexico. My efforts to this end commenced in the note of the Secretary of State, of the 10th of March, 1845, in answer to that of the Mexican Minister. Whilst declining to reopen a discussion which had already been exhausted, and proving again what was known to the whole world, that Texas had long since achieved her independence, the Secretary of State expressed the regret of this Government that Mexico should have taken offense at the resolution of annexation passed by Congress, and gave assurance that our "most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two governments, and to the cultivation of the kindest and most friendly relations between the sister republics."

That I have acted in the spirit of this assurance, will appear from the events which have since occurred. Notwithstanding Mexico had abruptly terminated all diplomatic intercourse with the United States, and ought, therefore, to have been the first to ask for its resumption, yet, waiving all ceremony, I embraced the earliest favorable opportunity "to ascertain from the Mexican government whether they would receive an envoy from the United States intrusted with full power to adjust all the questions in dispute between the two governments." In September, 1845, I believed the propitious moment for such an overture had arrived. Texas, by the enthusiastic and almost unanimous will of her people, had pronounced in favor of annexation. Mexico herself had agreed to acknowledge the independence of Texas, subject to a condition, it is true, which she had no right to impose, and no power to enforce. The last lingering hope of Mexico, if she still could have retained any, that Texas would ever again become one of her provinces, must have been abandoned.

The consul of the United States at the City of Mexico was, therefore, instructed by the Secretary of State on the 15th of September, 1845, to make the inquiry of the Mexican government. The inquiry was made, and on the 15th of October, 1845, the Minister of Foreign Affairs of the Mexican government, in a note addressed to our consul, gave a favorable

response, requesting, at the same time, that our naval force might be withdrawn from Vera Cruz while negotiations should be pending. Upon the receipt of this note, our naval force was promptly withdrawn from Vera Cruz. A minister was immediately appointed, and departed to Mexico. Everything bore a promising aspect for a speedy and peaceful adjustment of all our difficulties. At the date of my annual message to Congress, in December last, no doubt was entertained but that he would be received by the Mexican government, and the hope was cherished that all cause of misunderstanding between the two countries would be speedily removed. In the confident hope that such would be the result of his mission, I informed Congress that I forbore at that time to "recommend such ulterior measures of redress for the wrongs and injuries we had so long borne, as it would have been proper to make had no such negotiation been instituted." To my surprise and regret, the Mexican government, though solemnly pledged to do so upon the arrival of our minister in Mexico, refused to receive and accredit him. When he reached Vera Cruz, on the 13th of November, 1845, he found that the aspect of affairs had undergone an unhappy change. The government of General Herrera, who was at that time President of the republic, was tottering to its fall. General Paredes (a military leader) had manifested his determination to overthrow the government of Herrera by a military revolution; and one of the principal means which he employed to effect his purpose, and render the government of Herrera odious to the army and the people of Mexico, was by loudly condemning its determination to receive a minister of peace from the United States, alleging that it was the intention of Herrera, by a treaty with the United States, to dismember the territory of Mexico, by ceding away the department of Texas. The government of Herrera is believed to have been well disposed to a pacific adjustment of existing difficulties; but, probably alarmed for its own security, and in order to ward off the danger of the revolution led by Paredes, violated its solemn agreement, and refused to receive or accredit our minister; and this, although informed that he had been invested with full power to adjust all questions in dispute between the two governments. Among the



frivolous pretexts for this refusal, the principal one was that our minister had not gone upon a special mission, confined to the question of Texas alone, leaving all the outrages upon our flag and our citizens unredressed. The Mexican government well knew that both our national honor and the protection due to our citizens imperatively required that the two questions of boundary and indemnity should be treated of together, as naturally and inseparably blended, and they ought to have seen that this course was best calculated to enable the United States to extend to them the most liberal justice. On the 30th of December, 1845, General Herrera resigned the Presidency, and yielded up the government to General Paredes without a struggle. Thus a revolution was accomplished solely by the army commanded by Paredes, and the supreme power in Mexico passed into the hands of a military usurper, who was known to be bitterly hostile to the United States.

Although the prospect of a pacific adjustment with the new government was unpromising, from the known hostility of its head to the United States, yet, determined that nothing should be left undone on our part to restore friendly relations between the two countries, our minister was instructed to present his credentials to the new government, and ask to be accredited by it in the diplomatic character in which he had been commissioned. These instructions he executed by his note of the 1st of March, 1846, addressed to the Mexican Minister of Foreign Affairs, but his request was insultingly refused by that minister in his answer of the 12th of the same month. No alternative remained for our minister but to demand his passports, and return to the United States.

Thus was the extraordinary spectacle presented to the civilized world, of a government, in violation of its own express agreement, having twice rejected a minister of peace, invested with full powers to adjust all the existing differences between the two countries in a manner just and honorable to both. I am not aware that modern history presents a parallel case, in which, in time of peace, one nation has refused even to hear propositions from another for terminating existing difficulties between them. Scarcely a hope of adjusting our difficulties, even at a remote day, or of preserving peace with Mexico,

could be cherished while Paredes remained at the head of the government. He had acquired the supreme power by a military revolution, and upon the most solemn pledges to wage war against the United States, and to reconquer Texas, which he claimed as a revolted province of Mexico. He had denounced as guilty of treason, all those Mexicans who considered Texas as no longer constituting a part of the territory of Mexico, and who were friendly to the cause of peace. The duration of the war which he waged against the United States was indefinite, because the end which he proposed, of the reconquest of Texas, was hopeless. Besides, there was good reason to believe, from all his conduct, that it was his intention to convert the republic of Mexico into a monarchy, and to call a foreign European prince to the throne. Preparatory to this end, he had, during his short rule, destroyed the liberty of the press, tolerating that portion of it only which openly advocated the establishment of a monarchy. The better to secure the success of his ultimate designs, he had, by an arbitrary decree, convoked a Congress—not to be elected by the free voice of the people, but to be chosen in a manner to make them subservient to his will, and to give him absolute control over their deliberations.

Under all these circumstances, it was believed that any revolution in Mexico, founded upon opposition to the ambitious projects of Paredes, would tend to promote the cause of peace as well as to prevent any attempted European interference in the affairs of the North American Continent—both objects of deep interest to the United States. Any such foreign interference, if attempted, must have been resisted by the United States. My views upon that subject were fully communicated to Congress in my last annual message. In any event, it was certain that no change whatever in the government of Mexico which would deprive Paredes of power could be for the worse, so far as the United States were concerned, while it was highly probable that any change must be for the better. This was the state of affairs existing when Congress on the 13th of May last, recognized the existence of the war which had been commenced by the government of Paredes, and it became an object of much importance, with a view to a speedy settlement of our difficulties and the restoration of an honorable peace, that Paredes should not retain power in Mexico.

Before that time there were symptoms of a revolution in Mexico, favored, as it was understood to be, by the more liberal party, and especially by those who were opposed to foreign interference and to the monarchical form of government. Santa Anna was then in exile in Havana, having been expelled from power and banished from his country by a revolution which occurred in December, 1844; but it was known that he had still a considerable party in his favor in Mexico. It was also equally well known that no vigilance which could be exerted by our squadron would, in all probability, have prevented him from effecting a landing somewhere on the extensive Gulf coast of Mexico, if he desired to return to his country. He had openly professed an entire change of policy; had expressed his regret that he had subverted the federal constitution of 1824, and avowed that he was now in favor of its restoration. He had publicly declared his hostility, in the strongest terms, to the establishment of a monarchy, and to European interference in the affairs of his country.

Information to this effect had been received, from sources believed to be reliable, at the date of the recognition of the existence of the war by Congress, and was afterwards fully confirmed by the receipt of the dispatch of our consul in the City of Mexico, with the accompanying documents, which are herewith transmitted. Besides, it was reasonable to suppose that he must see the ruinous consequences to Mexico of a war with the United States, and that it would be his interest to favor peace.

It was under these circumstances and upon these considerations that it was deemed expedient not to obstruct his return to Mexico, should he attempt to do so. Our object was the restoration of peace, and with that view, no reason was perceived why we should take part with Paredes, and aid him, by means of our blockade, in preventing the return of his rival to Mexico. On the contrary, it was believed that the intestine divisions which ordinary sagacity could not but anticipate as the fruit of Santa Anna's return to Mexico, and his contest with Paredes, might strongly tend to produce a disposition with both parties to restore and preserve peace with the United States. Paredes was a soldier by profession, and a monarchist in prin-

ciple. He had but recently before been successful in a military revolution, by which he had obtained power. He was the sworn enemy of the United States, with which he had involved his country in the existing war. Santa Anna had been expelled from power by the army, was known to be in open hostility to Paredes, and publicly pledged against foreign intervention and the restoration of monarchy in Mexico. In view of these facts and circumstances it was, that, when orders were issued to the commander of our naval forces in the Gulf, on the 15th day of May last, only two days after the existence of the war had been recognized by Congress, to place the coasts of Mexico under blockade, he was directed not to obstruct the passage of Santa Anna to Mexico, should he attempt to return.

A revolution took place in Mexico in the early part of August following, by which the power of Paredes was overthrown, and he has since been banished from the country, and is now in exile. Shortly afterwards Santa Anna returned. It remains to be seen whether his return may not yet prove to be favorable to a pacific adjustment of the existing difficulties, it being manifestly his interest not to persevere in the prosecution of a war commenced by Paredes, to accomplish a purpose so absurd as the reconquest of Texas to the Sabine. Had Paredes remained in power, it is morally certain that any pacific adjustment would have been hopeless.

Upon the commencement of hostilities by Mexico against the United States, the indignant spirit of the Nation was at once roused. Congress promptly responded to the expectations of the country, and, by the act of the 13th of May last, recognized the fact that war existed by the act of Mexico between the United States and that republic, and granted the means necessary for its vigorous prosecution. Being involved in a war thus commenced by Mexico, and for the justice of which on our part we may confidently appeal to the whole world, I resolved to prosecute it with the utmost vigor. Accordingly the ports of Mexico, on the Gulf and on the Pacific, have been placed under blockade, and her territory invaded at several important points. The report from the Departments of War and the Navy will inform you more in detail of the measures adopted in the emergency in which our country



was placed, and of the gratifying results which have been accomplished.

The various columns of the army have performed their duty under great disadvantages, with the most distinguished skill and courage. The victories of Palo Alto and Resaca de la Palma, and of Monterey, won against greatly superior numbers, and against most decided advantages in other respects on the part of the enemy, were brilliant in their execution, and entitle our brave officers and soldiers to the grateful thanks of their country. The Nation deplotes the loss of the brave officers and men who have gallantly fallen while vindicating and defending their country's rights and honor.

It is a subject of pride and satisfaction that our volunteer citizen soldiers, who so promptly responded to their country's call, with an experience of the discipline of a camp of only a few weeks, have borne their part in the hard-fought battle of Monterey with a constancy and courage equal to that of veteran troops, and worthy of the highest admiration. The privations of long marches through the enemy's country, and through a wilderness, have been borne without a murmur. By rapid movements the province of New Mexico, with Santa Fe, its capital, has been captured without bloodshed. The navy has co-operated with the army, and rendered important services; if not so brilliant, it is because the enemy had no force to meet them on their own element, and because of the defenses which nature has interposed in the difficulties of the navigation on the Mexican coast. Our squadron in the Pacific, with the co-operation of a gallant officer of the army, and a small force hastily collected in that distant country, have acquired bloodless possession of the Californias, and the American flag has been raised at every important point in that province.

I congratulate you on the success which has thus attended our military and naval operations. In less than seven months after Mexico commenced hostilities, at a time selected by herself, we have taken possession of many of her principal ports, driven back and pursued her invading army, and acquired military possession of the Mexican provinces of New Mexico, New Leon, Coahuila, Tamaulipas, and the Californias, a territory larger in extent than that embraced in the original thir-

teen States of the Union, inhabited by a considerable population, and much of it more than a thousand miles from the points at which we had to collect our forces and commence our movements. By the blockade the import and export trade of the enemy has been cut off. Well may the American people be proud of the energy and gallantry of our regular and volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can, under any emergency, confidently rely for the maintenance of her honor and the defense of her rights, on an effective force, ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive, it is, in the end, economical, as the ability to command it removes the necessity of employing a large standing army in time of peace, and proves that our people love their institutions, and are ever ready to defend and protect them.

Whilst the war was in a course of vigorous and successful prosecution, being still anxious to arrest its evils, and considering that, after the brilliant victories of our arms on the 8th and 9th of May last, the national honor could not be compromised by it, another overture was made to Mexico, by my direction, on the 27th of July last, to terminate hostilities by a peace just and honorable to both countries. On the 31st of August following the Mexican government declined to accept this friendly overture, but referred it to the decision of a Mexican Congress, to be assembled in the early part of the present month. I communicate to you herewith a copy of the letter of the Secretary of State proposing to reopen negotiations, of the answer of the Mexican government, and of the reply thereto of the Secretary of State.

The war will continue to be prosecuted with vigor, as the best means of securing peace. It is hoped that the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known. In this view, it is deemed important to hold military possession of

all the provinces which have been taken, until a definitive treaty of peace shall have been concluded and ratified by the two countries.

The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.

By the laws of nations a conquered territory is subject to be governed by the conqueror during his military possession, and until there is either a treaty of peace, or he shall voluntarily withdraw from it. The old civil government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest, and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised, and this duty performed, by our military and naval commanders, by the establishment of temporary governments in some of the conquered provinces in Mexico, assimilating them as far as practicable to the free institutions of our own country. In the provinces of New Mexico, and of the Californias, little if any further resistance is apprehended from the inhabitants to the temporary governments which have thus, from the necessity of the case, and according to the laws of war, been established. It may be proper to provide for the security of these important conquests by making an adequate appropriation for the purpose of erecting fortifications, and defraying the expenses necessarily incident to the maintenance of our possession and authority over them.

Near the close of your last session, for reasons communicated to Congress, I deemed it important, as a measure for securing a speedy peace with Mexico, that a sum of money should be appropriated, and placed in the power of the Executive, similar to that which had been made upon two former occasions, during the Administration of President Jefferson.

On the 26th of February, 1803, an appropriation of two millions of dollars was made, and placed at the disposal of the President. Its object is well known. It was at that time in

contemplation to acquire Louisiana from France, and it was intended to be applied as a part of the consideration which might be paid for that territory. On the 13th of February, 1806, the same sum was in like manner appropriated, with a view to the purchase of the Floridas from Spain. These appropriations were made to facilitate negotiations, and as a means to enable the President to accomplish the important objects in view. Though it did not become necessary for the President to use these appropriations, yet a state of things might have arisen in which it would have been highly important for him to do so, and the wisdom of making them can not be doubted. It is believed that the measure recommended at your last session met with the approbation of decided majorities in both houses of Congress. Indeed, in different forms, a bill making an appropriation of two millions of dollars passed each House, and it is much to be regretted that it did not become a law. The reasons which induced me to recommend the measure at that time still exist; and I again submit the subject for your consideration, and suggest the importance of early action upon it. Should the appropriation be made, and be not needed, it will remain in the Treasury; should it be deemed proper to apply it in whole or in part, it will be accounted for as other public expenditures.

Immediately after Congress had recognized the existence of the war with Mexico, my attention was directed to the danger that privateers might be fitted out in the ports of Cuba and Porto Rico to prey upon the commerce of the United States; and I invited the special attention of the Spanish government to the fourteenth article of our treaty with that power of the 20th of October, 1795, under which the citizens and subjects of either nation who shall take commissions or letters of marque to act as privateers against the other "shall be punished as pirates."

It affords me pleasure to inform you that I have received assurances from the Spanish government that this article of the treaty shall be faithfully observed on its part. Orders for this purpose were immediately transmitted from that government to the authorities of Cuba and Porto Rico to exert their utmost vigilance in preventing any attempts to fit out privateers in



those islands against the United States. From the good faith of Spain I am fully satisfied that this treaty will be executed in its spirit as well as its letter; whilst the United States will, on their part, faithfully perform all the obligations which it imposes on them.

Information has been recently received at the Department of State that the Mexican government has sent to Havana blank commissions to privateers, and blank certificates of naturalization, signed by General Salas, the present head of the Mexican government. There is also reason to apprehend that similar documents have been transmitted to other parts of the world. Copies of these papers, in translation, are herewith transmitted.

As the preliminaries respecting the practice of civilized nations commissioning privateers and regulating their conduct appear not to have been observed, and as these commissions are in blank to be filled up with the names of citizens and subjects of all nations who may be willing to purchase them, the whole proceeding can only be construed as an invitation to all the freebooters upon earth, who are willing to pay for the privilege, to cruise against American commerce. It will be for our courts of justice to decide whether, under such circumstances, these Mexican letters of marque and reprisal shall protect those who accept them, and commit robberies upon the high seas under their authority, from the pains and penalties of piracy.

If the certificates of naturalization thus granted be intended by Mexico to shield Spanish subjects from the guilt and punishment of pirates, under our treaty with Spain, they will certainly prove unavailing. Such a subterfuge would be but a weak device to defeat the provisions of a solemn treaty.

I recommend that Congress should immediately provide by law for the trial and punishment, as pirates, of Spanish subjects who, escaping the vigilance of their government, shall be found guilty of privateering against the United States. I do not apprehend serious danger from these privateers. Our navy will be constantly on the alert to protect our commerce. Besides, in case prizes should be made of American vessels, the utmost vigilance will be exerted by our blockading squadron,

to prevent the captors from taking them into Mexican ports, and it is not apprehended that any nation will violate its neutrality by suffering such prizes to be condemned and sold within its jurisdiction.

I recommend that Congress should immediately provide by law for granting letters of marque and reprisal against vessels under the Mexican flag. It is true that there are but few, if any, commercial vessels of Mexico upon the high seas; and it is, therefore, not probable that many American privateers would be fitted out, in case a law should pass authorizing this mode of warfare. It is, notwithstanding, certain that such privateers may render good service to the commercial interests of the country by recapturing our merchant ships, should any be taken by armed vessels under the Mexican flag, as well as by capturing these vessels themselves. Every means within our power should be rendered available for the protection of our commerce.

The annual report of the Secretary of the Treasury will exhibit a detailed statement of the condition of the finances. The imports for the fiscal year ending on the 13th of June last, were of the value of one hundred and twenty-one million six hundred and ninety-one thousand seven hundred and ninety-seven dollars; of which the amount exported was eleven million three hundred and forty-six thousand six hundred and twenty-three dollars, leaving the amount retained in the country for domestic consumption one hundred and ten million three hundred and forty-five thousand one hundred and seventy-four dollars. The value of the exports for the same period was one hundred and thirteen million four hundred and eighty-eight thousand five hundred and sixteen dollars; of which one hundred and two million one hundred and forty-one thousand eight hundred and ninety-three dollars consisted of domestic productions, and eleven million three hundred and forty-six thousand six hundred and twenty-three dollars of foreign articles.

The receipts into the Treasury for the same year were twenty-nine million four hundred and ninety-nine thousand two hundred and forty-seven dollars and six cents; of which there was derived from customs twenty-six million seven

hundred and twelve thousand six hundred and sixty-seven dollars and eighty-seven cents; from sales of public lands, two million six hundred and ninety-five thousand four hundred and fifty-two dollars and forty-eight cents, and from incidental and miscellaneous resources ninety-two thousand one hundred and twenty-six dollars and seventy-one cents. The expenditures for the same period were twenty-eight million thirty-one thousand eight hundred and fourteen dollars and twenty cents, and the balance in the Treasury on the 1st day of July last was nine million one hundred and twenty-six thousand four hundred and thirty-nine dollars and eight cents.

The amount of the public debt, including treasury notes, on the 1st of the present month, was twenty-four million two hundred and fifty-six thousand four hundred and ninety-four dollars and sixty cents; of which the sum of seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents was outstanding on the 4th of March, 1845, leaving the amount incurred since that time, six million four hundred and sixty-seven thousand six hundred and ninety-four dollars and ninety-eight cents.

In order to prosecute the war with Mexico with vigor and energy, as the best means of bringing it to a speedy and honorable termination, a further loan will be necessary, to meet the expenditures for the present and the next fiscal years. If the war should be continued until the 30th of June, 1848, being the end of the next fiscal year, it is estimated that an additional loan of twenty-three millions of dollars will be required. This estimate is made upon the assumption that it will be necessary to retain constantly in the Treasury four millions of dollars, to guard against contingencies. If such surplus were not required to be retained, then a loan of nineteen millions of dollars would be sufficient. If, however, Congress should, at the present session, impose a revenue duty on the principal articles now embraced in the free list, it is estimated that an additional annual revenue of about two millions and a half, amounting, it is estimated, on the 30th of June, 1848, to four millions of dollars, would be derived from that source; and the loan required would be reduced by that amount. It is estimated, also, that should Congress graduate and reduce the price of

such of the public lands as have been long in the market, the additional revenue derived from that source would be annually, for several years to come, between half a million and a million of dollars; and the loan required may be reduced by that amount also. Should these measures be adopted, the loan required would not probably exceed eighteen or nineteen millions of dollars, leaving in the Treasury a constant surplus of four millions of dollars. The loan proposed, it is estimated, will be sufficient to cover the necessary expenditures, both for the war and for all other purposes, up to the 30th of June, 1848; and an amount of this loan, not exceeding one-half, may be required during the present fiscal year, and the greater part of the remainder during the first half of the fiscal year succeeding.

In order that timely notice may be given, and proper measures taken to effect the loan, or such portion of it as may be required, it is important that the authority of Congress to make it be given at an early period of your present session. It is suggested that the loan should be contracted for a period of twenty years, with authority to purchase the stock and pay it off, at an earlier period, at its market value, out of any surplus which may at any time be in the Treasury applicable to that purpose. After the establishment of peace with Mexico, it is supposed that a considerable surplus will exist, and that the debt may be extinguished in a much shorter period than that for which it may be contracted. The period of twenty years as that for which the proposed loan may be contracted, in preference to a shorter period, is suggested, because all experience, both at home and abroad, has shown that loans are effected upon much better terms upon long time than when they are reimbursed at short dates.

Necessary as this measure is, to sustain the honor and interest of the country engaged in a foreign war, it is not doubted but that Congress will promptly authorize it.

The balance in the Treasury on the 1st of July last exceeded nine millions of dollars, notwithstanding considerable expenditures had been made for the war during the months of May and June preceding. But for the war, the whole public debt could and would have been extinguished within a short period; and it was a part of my settled policy to do so, and thus relieve



the people from its burden, and place the Government in a position which would enable it to reduce the public expenditures to that economical standard which is most consistent with the general welfare and the pure and wholesome progress of our institutions.

Among our just causes of complaint against Mexico, arising out of her refusal to treat for peace, as well before as since the war so unjustly commenced on her part, are the extraordinary expenditures in which we have been involved. Justice to our own people will make it proper that Mexico should be held responsible for these expenditures.

Economy in the public expenditures is at all times a high duty which all public functionaries of the Government owe to the people. This duty becomes the more imperative in a period of war, when large and extraordinary expenditures become unavoidable. During the existence of the war with Mexico all our resources should be husbanded, and no appropriations made except such as are absolutely necessary for its vigorous prosecution and the due administration of the Government. Objects of appropriation which in peace may be deemed useful or proper, but which are not indispensable for the public service, may, when the country is engaged in a foreign war, be well postponed to a future period. By the observance of this policy at our present session, large amounts may be saved to the Treasury, and applied to objects of pressing and urgent necessity, and thus the creation of a corresponding amount of public debt may be avoided.

It is not meant to recommend that the ordinary and necessary appropriations for the support of Government should be withheld, but it is well known that at every session of Congress, appropriations are proposed for numerous objects, which may or may not be made without materially affecting the public interests; and these it is recommended should not be granted.

The act passed at your last session, "reducing the duties on imports," not having gone into operation until the first of the present month, there has not been time for its practical effect upon the revenue and the business of the country, to be developed. It is not doubted, however, that the just policy which

it adopts will add largely to our foreign trade, and promote the general prosperity. Although it can not be certainly foreseen what amount of revenue it will yield, it is estimated that it will exceed that produced by the act of 1842, which it superseded. The leading principles established by it are, to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.

The Act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded them from importation, or greatly reduced the amount imported, and thus diminished instead of producing revenue. By it the taxes were imposed, not for the legitimate purpose of raising revenue, but to afford advantages to favored classes at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation, were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures. The taxes were not levied in proportion to the value of the articles upon which they were imposed, but, widely departing from this just rule, the lighter taxes were, in many cases, levied upon articles of luxury and high price, and the heavier taxes on those of necessity and low price, consumed by the great mass of the people. It was a system, the inevitable effect of which was to relieve favored classes and the wealthy few from contributing their just proportion for the support of Government, and to lay the burden on the labor of the many engaged in other pursuits than manufactures.

A system so unequal and unjust has been superseded by the existing law, which imposes duties not for the benefit or injury of classes or pursuits, but distributes, and, as far as practicable, equalizes the public burdens among all classes and occupations. The favored classes who, under the unequal and unjust system which has been repealed, have heretofore realized large profits, and many of them amassed large fortunes at the expense of many who have been made tributary to them, will have no reason to complain if they shall be required to bear their just proportion of the taxes necessary for the support of Government. So far from it, it will be perceived, by an exam-

ination of the existing law, that discriminations in the rates of duty imposed, within the revenue principle, have been retained in their favor.

The incidental aid against foreign competition which they still enjoy gives them an advantage which no other pursuits possess; but of this none others will complain, because the duties levied are necessary for revenue. These revenue duties, including freights and charges, which the importer must pay before he can come in competition with the home manufacturer in our markets, amount, on nearly all our leading branches of manufacture, to more than one-third of the value of the imported article, and, in some cases, to almost one-half its value. With such advantages it is not doubted that our domestic manufacturers will continue to prosper, realizing in well-conducted establishments even greater profits than can be derived from any other regular business. Indeed, so far from requiring the protection of even incidental revenue duties, our manufacturers in several leading branches are extending their business, giving evidence of great ingenuity and skill, and of their ability to compete, with increased prospect of success, for the open market of the world. Domestic manufactures, to the value of several millions of dollars, which can not find a market at home, are annually exported to foreign countries. With such rates of duty as those established by the existing law, the system will probably be permanent; and capitalists, who have made, or shall hereafter make, their investments in manufactures, will know upon what to rely. The country will be satisfied with these rates, because the advantages which the manufacturers still enjoy result necessarily from the collection of revenue for the support of Government. High protective duties, from their unjust operation upon the masses of the people, can not fail to give rise to extensive dissatisfaction and complaint, and to constant efforts to change or repeal them, rendering all investments in manufactures uncertain and precarious. Lower and more permanent rates of duty, at the same time that they will yield to the manufacturer fair and remunerating profits, will secure him against the danger of frequent changes in the system, which can not fail to ruinously affect his interest.

Simultaneously with the relaxation of the restrictive policy by the United States, Great Britain, from whose example we derived the system, has relaxed hers. She has modified her corn laws, and reduced many other duties to moderate revenue rates. After ages of experience, the statesmen of that country have been constrained by a stern necessity, and by a public opinion having its deep foundation in the sufferings and wants of impoverished millions, to abandon a system, the effect of which was to build up immense fortunes in the hands of the few, and to reduce the laboring millions to pauperism and misery. Nearly in the same ratio that labor was depressed capital was increased and concentrated by the British protective policy.

The evils of the system in Great Britain were at length rendered intolerable, and it has been abandoned, but not without a severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed. It was to be expected that a similar struggle would be made by the same classes in the United States whenever an attempt was made to modify or abolish the same unjust system here. The protective policy had been in operation in the United States for a much shorter period, and its pernicious effects were not, therefore, so clearly perceived and felt. Enough, however, was known of these effects to induce its repeal.

It would be strange if, in the face of the example of Great Britain, our principal foreign customer, and of the evils of a system rendered manifest in that country by long and painful experience, and in the face of the immense advantages which, under a more liberal commercial policy we are already deriving, and must continue to derive, by supplying her starving population with food, the United States should restore a policy which she has been compelled to abandon, and thus diminish her ability to purchase from us the food and other articles which she so much needs, and we so much desire to sell. By the simultaneous abandonment of the protective policy by Great Britain and the United States, new and important markets have already been opened for our agricultural and other products; commerce and navigation have received a new



impulse; labor and trade have been released from the artificial trammels which have so long fettered them; and to a great extent reciprocity, in the exchange of commodities, has been introduced at the same time by both countries, and greatly for the benefit of both. Great Britain has been forced, by the pressure of circumstances at home, to abandon a policy which has been upheld for ages, and to open her markets for our immense surplus of breadstuffs; and it is confidently believed that other powers of Europe will ultimately see the wisdom, if they be not compelled by the pauperism and sufferings of their crowded population, to pursue a similar policy.

Our farmers are more deeply interested in maintaining the just and liberal policy of the existing law than any other class of our citizens. They constitute a large majority of our population; and it is well known that when they prosper, all other pursuits prosper also. They have heretofore not only received none of the bounties or favors of Government, but by the unequalled operations of the protective policy, have been made, by the burdens of taxation which it imposed, to contribute to the bounties which have enriched others.

When a foreign as well as a home market is opened to them, they must receive, as they are now receiving, increased prices for their products. They will find a readier sale, and at better prices, for their wheat, flour, rice, Indian corn, beef, pork, lard, butter, cheese, and other articles, which they produce. The home market alone is inadequate to enable them to dispose of the immense surplus of food and other articles which they are capable of producing, even at the most reduced prices, for the manifest reason that they can not be consumed in the country. The United States can, from their immense surplus, supply not only the home demand, but the deficiencies of food required by the whole world.

That the reduced production of some of the chief articles of food in Great Britain, and other parts of Europe, may have contributed to increase the demand for our breadstuffs and provisions, is not doubted; but that the great and efficient cause of this increased demand, and of increased prices, consists in the removal of artificial restrictions heretofore imposed, is deemed to be equally certain. That our exports of food,

already increased and increasing beyond former example, under the more liberal policy which has been adopted, will be still vastly enlarged, unless they be checked or prevented by a restoration of the protective policy, can not be doubted. That our commercial and navigating interests will be enlarged in a corresponding ratio with the increase of our trade is equally certain; while our manufacturing interests will still be the favored interests of the country, and receive the incidental protection afforded them by revenue duties; and more than this they can not justly demand.

In my annual message of December last a tariff of revenue duties, based upon the principles of the existing law, was recommended, and I have seen no reason to change the opinions then expressed. In view of the probable beneficial effects of that law, I recommend that the policy established by it be maintained. It has but just commenced to operate; and to abandon or modify it without giving it a fair trial, would be inexpedient and unwise. Should defects in any of its details be ascertained by actual experience to exist, these may be hereafter corrected; but until such defects shall become manifest, the act should be fairly tested.

It is submitted for your consideration whether it may not be proper, as a war measure, to impose revenue duties on some of the articles now embraced in the free list. Should it be deemed proper to impose such duties, with a view to raise revenue to meet the expenses of the war with Mexico, or to avoid to that extent the creation of a public debt, they may be repealed when the emergency which gave rise to them shall cease to exist, and constitute no part of the permanent policy of the country.

The act of the 6th of August last, "to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," has been carried into execution as rapidly as the delay necessarily arising out of the appointment of new officers, taking and approving their bonds, and preparing and securing proper places for the safe keeping of the public money, would permit. It is not proposed to depart in any respect from the principles or policy on which this great measure is founded.

There are, however, defects in the details of the measure, developed by its practical operation, which are fully set forth in the report of the Secretary of the Treasury, to which the attention of Congress is invited. These defects would impair, to some extent, the successful operation of the law at all times, but are especially embarrassing when the country is engaged in a war, when the expenditures are greatly increased, when loans are to be effected, and the disbursements are to be made at points many hundred miles distant, in some cases, from any depository, and a large portion of them in a foreign country. The modifications suggested in the report of the Secretary of the Treasury are recommended to your favorable consideration.

In connection with this subject, I invite your attention to the importance of establishing a branch of the Mint of the United States at New York. Two thirds of the revenue derived from customs being collected at that point, the demand for specie to pay the duties will be large; and a branch mint, where foreign coin and bullion could be immediately converted into American coin, would greatly facilitate the transaction of the public business, enlarge the circulation of gold and silver, and be, at the same time, a safe depository of the public money.

The importance of graduating and reducing the price of such of the public lands as have been long offered in the market, at the minimum rate authorized by existing laws, and remain unsold, induces me again to recommend the subject to your favorable consideration. Many millions of acres of these lands have been offered in the market for more than thirty years, and large quantities for more than ten or twenty years; and being of an inferior quality, they must remain unsalable for an indefinite period, unless the price at which they may be purchased shall be reduced. To place a price upon them above their real value is not only to prevent their sale, and thereby deprive the Treasury of any income from that source, but is unjust to the States in which they lie, because it retards their growth and increase of population, and because they have no power to levy a tax upon them as upon other lands within their limits, held by other proprietors than the United States, for the support of their local governments.

The beneficial effects of the graduation principle have been realized by some of the States owning the lands within their limits, in which it has been adopted. They have been demonstrated also by the United States acting as the trustee of the Chickasaw tribe of Indians in the sale of their lands lying within the States of Mississippi and Alabama. The Chickasaw lands, which would not command in the market the minimum price established by the laws of the United States for the sale of their lands, were, in pursuance of the treaty of 1834 with that tribe, subsequently offered for sale at graduated and reduced rates for limited periods. The result was, that large quantities of these lands were purchased, which would otherwise have remained unsold. The lands were disposed of at their real value, and many persons of limited means were enabled to purchase small tracts, upon which they have settled with their families. That similar results would be produced by the adoption of the graduation policy by the United States, in all the States in which they are the owners of large bodies of lands which have been long in the market, can not be doubted. It can not be a sound policy to withhold large quantities of the public lands from the use and occupation of our citizens, by fixing upon them prices which experience has shown they will not command. On the contrary, it is a wise policy to afford facilities to our citizens to become the owners at low and moderate rates, of freeholds of their own, instead of being the tenants and dependents of others. If it be apprehended that these lands, if reduced in price, would be secured in large quantities by speculators or capitalists, the sales may be restricted, in limited quantities, to actual settlers or persons purchasing for purposes of cultivation.

In my last annual message, I submitted for the consideration of Congress, the present system of managing the mineral lands of the United States, and recommended that they should be brought into market and sold, upon such terms and under such restrictions as Congress might prescribe. By the act of the 11th of July last, "the reserved lead-mines and contiguous lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa," were authorized to be sold. The act is confined, in its operation, to "lead-mines and contiguous lands."



A large portion of the public lands containing copper and other ores is represented to be very valuable; and I recommend that provision be made authorizing the sale of these lands, upon such terms and conditions as their supposed value may, in the judgment of Congress, be deemed advisable, having due regard to the interests of such of our citizens as may be located upon them.

It will be important, during your present session, to establish a territorial government, and to extend the jurisdiction and laws of the United States over the Territory of Oregon. Our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to the Pacific Ocean; and for the purpose of executing them, and preserving friendly relations with the Indian tribes within our limits, an additional number of Indian agencies will be required, and should be authorized by law. The establishment of custom-houses, and of post-offices and post-roads, and provision for the transportation of the mail on such routes as the public convenience will suggest, require legislative authority. It will be proper, also, to establish a surveyor-general's office in that Territory, and to make the necessary provision for surveying the public lands, and bringing them into market. As our citizens who now reside in that distant region have been subjected to many hardships, privations, and sacrifices in their emigration, and by their improvements have enhanced the value of the public lands in the neighborhood of their settlements, it is recommended that liberal grants be made to them, of such portions of these lands as they may occupy, and that similar grants or rights of pre-emption be made to all who may emigrate thither within a limited period, to be prescribed by law.

The report of the Secretary of War contains detailed information relative to the several branches of the public service connected with that Department. The operations of the army have been of a satisfactory and highly gratifying character.

I recommend to your early and favorable consideration the measures proposed by the Secretary of War for speedily filling up the rank and file of the regular army, for its greater efficiency in the field, and for raising an additional force to serve during the war with Mexico.

Embarrassment is likely to arise for want of legal provision authorizing compensation to be made to the agents employed in the several States and Territories to pay the Revolutionary and other pensioners the amounts allowed them by law. Your attention is invited to the recommendations of the Secretary of War on this subject. These agents incur heavy responsibilities and perform important duties, and no reason exists why they should not be placed on the same footing, as to compensation, with other disbursing officers.

Our relations with the various Indian tribes continue to be of a pacific character. The unhappy dissensions which have existed among the Cherokees for many years past have been healed. Since my last annual message important treaties have been negotiated with some of the tribes, by which the Indian title to large tracts of valuable land within the limits of the States and Territories has been extinguished, and arrangements made for removing them to the country west of the Mississippi. Between three and four thousand, of different tribes, have been removed to the country provided for them by treaty stipulations, and arrangements have been made for others to follow.

In our intercourse with the several tribes, particular attention has been given to the important subject of education. The number of schools established among them has been increased, and additional means provided, not only for teaching them the rudiments of education, but of instructing them in agriculture and the mechanic arts.

I refer you to the report of the Secretary of the Navy for a satisfactory view of the operations of the Department under his charge during the past year. It is gratifying to perceive, that while the war with Mexico has rendered it necessary to employ an unusual number of our armed vessels on her coasts, the protection due to our commerce in other quarters of the world has not proved insufficient. No means will be spared to give efficiency to the naval service in the prosecution of the war; and I am happy to know that the officers and men anxiously desire to devote themselves to the service of their country in any enterprise, however difficult of execution.

I recommend to your favorable consideration the proposition to add to each of our foreign squadrons an efficient sea steamer,

and, as especially demanding attention, the establishment at Pensacola of the necessary means of repairing and refitting the vessels of the navy employed in the Gulf of Mexico.

There are other suggestions in the report which deserve, and, I doubt not, will receive your consideration.

The progress and condition of the mail service for the past year are fully presented in the report of the Postmaster-General. The revenue for the year ending on the 30th of June last amounted to three million four hundred and eighty-seven thousand one hundred and ninety-nine dollars, which is eight hundred and two thousand six hundred and forty-two dollars and forty-five cents less than that of the preceding year. The payments for that Department during the same time amounted to four million eighty-four thousand two hundred and ninety-seven dollars and twenty-two cents. Of this sum five hundred and ninety-seven thousand and ninety-seven dollars and eighty cents have been drawn from the Treasury. The disbursements for the year were two hundred and thirty-six thousand four hundred and thirty-four dollars and seventy-seven cents less than those of the preceding year. While the disbursements have been thus diminished, the mail facilities have been enlarged by new mail routes of five thousand seven hundred and thirty-nine miles; an increase of transportation of one million seven hundred and sixty-four thousand one hundred and forty-five miles, and the establishment of four hundred and eighteen new post-offices. Contractors, postmasters, and others, engaged in this branch of the service, have performed their duties with energy and faithfulness deserving commendation. For many interesting details connected with the operations of this establishment, you are referred to the report of the Postmaster-General; and his suggestions for improving its revenues are recommended to your favorable consideration. I repeat the opinion expressed in my last annual message, that the business of this Department should be so regulated that the revenues derived from it should be made to equal the expenditures; and it is believed that this may be done by proper modifications of the present laws, as suggested in the report of the Postmaster-General, without changing the present rates of postage.

With full reliance upon the wisdom and patriotism of your

deliberations, it will be my duty, as it will be my anxious desire, to co-operate with you in every Constitutional effort to promote the welfare and maintain the honor of our common country.

About all there is on the Administration side, at all events, as to the causes and responsibility of the war with Mexico, is found clearly set forth in this message. The statement that Mexico by her own act had inaugurated the war is many times reiterated here; and the proof set forth as to how she had deliberately invaded the soil of the United States to begin the war, as well as a partial presentation of the question of boundary in the Nueces or the Rio Grande. But on these points there was then great diversity of opinion, even many of the President's friends not supporting him in his views touching them, and many of them giving their voice to the various war measures with great reluctance. One of the most notable of the opponents of all the ideas of the President as to the mode of the annexation of Texas, the boundary line, and the responsibility of the war, and yet one of the most energetic supporters and advisers as to the war when it had begun was the "Senator for Thirty Years," as he pompously called himself.

Of the President's position in this message, Mr. Benton has left this record:—

"The war was assumed, and argued to have been made by her, and its existence only recognized by us after 'American blood had been spilled upon American soil.' History is bound to pronounce her judgment upon these



assumptions, and to say that they are unfounded. In the first place, the legal state of war, the *status belli*, was produced by the incorporation of Texas, with which Mexico was at war. In the next place, the United States Government understood that act to be the assumption of the war in fact, as well as in law, by the immediate advance of the army to the frontier of Texas, and of the navy to the Gulf of Mexico, to take the war off the hands of the Texans. In the third place, the actual collision of arms was brought on by the further advance of the American troops to the left bank of the Lower Rio Grande, then and always in the possession of Mexico, and erecting field works on the bank of the river, and pointing cannon at the town of Matamoras on the opposite side, the seat of a Mexican population, and the head-quarters of their army of observation. It was under these circumstances that the Mexican troops crossed the river, and commenced the attack. And this is what is called spilling American blood on American soil. The laws of nations and the law of self-defense, justify that spilling of blood; and such will be the judgment of history."

However, no great number of the Democratic party at that time or since went to the same length as did Mr. Benton in giving aid and comfort to Mexico in her attempts to prove the war just on her part. In this volume and the following one, facts and papers may be found which certainly do not sustain the President's view that Mexico did not claim the movement of General Taylor's army from the Nueces to the Rio Grande as the immediate cause of the clash of arms. The President here brings forward the additional argument that before the arrival of General Scott at the seat of war another attempt

had been made, on his part, to stop the war by negotiation. California and New Mexico had then been conquered, and a considerable territory west of the Rio Grande had come under the protection of the American army. The Mexican response to the proposition to treat at this time involved the abandonment of all this territory, and, of course, the loss of all that had been gained, and hence could not be entertained by the President. Too much had already been staked and accomplished, and the President had private reasons to hope for greater advantages.

The secret scheme of the Cabinet from which the President still hoped much in settling the difficulties and arresting the war is again presented in this message. That is, an appropriation of two or three millions for some emergency that might at any time arise in obtaining peace. The substance of his special messages of August 4th and 8th, 1846, is repeated, and the appropriation asked. The secret of this strange and unusual affair will be seen farther on. The tariff and revenue questions are again presented with the usual faith of his party, and the interminable Indian question, yet unsettled to the satisfaction of the American people, and never, perhaps, to be so until the red race has become extinct on the continent.

This message as prepared and ready for Congress presented quite a different appearance a few days before the assembling of that body, in one or two respects. It is again deemed advisable to let Mr. Benton, the most important witness on record, speak

of this matter, in the following very satisfactory manner:—

“Arriving at Washington before the commencement of the session of '46-'47, Mr. Benton was requested by the President to look over the draught of his proposed message to Congress (then in manuscript), and to make the remarks upon it which he might think it required; and in writing. Mr. Benton did so, and found a part to which he objected, and thought ought to be omitted. It was a recommendation to Congress to cease the active prosecution of the war, to occupy the conquered part of the country (General Taylor had then taken Monterey) with troops in forts and stations, and to pass an act establishing a temporary government in the occupied part; and to retain possession until the peace was made. This recommendation, and the argument in support of it, spread over four pages of the message, from 101 to 105. Mr. Benton objected to the whole plan, and answered to it in an equal, or greater number of pages, and to the entire conviction and satisfaction of the President. 1. The sedentary occupation was objected to as being entirely contrary to the temper of the American people, which was active, and required continual ‘going ahead’ until their work was finished. 2. It was the mode of warfare suited to the Spanish temper, which loved procrastination, and could beat the world at it, and had out-set the Moors seven hundred years in the south of Spain and the Visigoths three hundred years in the north of it; and would certainly out-set us in Mexico. 3. That he could govern the conquered country under the laws of nations, without applying to Congress, to be worried upon the details of the act, and rousing the question of annexation by conquest, and that beyond the Rio Grande; for the proposed line was to cover Monterey, and to run east and west entirely across the country. These objections, pursued

through their illustrations, were entirely convincing to the President, and he frankly gave up the sedentary project.

“But it was a project which had been passed upon in the Cabinet, and not only adopted, but began to be executed. The Secretary of War, Mr. Marcy, had officially refused to accept proffered volunteers from the governors of several States, saying to them, ‘A sufficient amount of force for the prosecution of the war had already been called into service,’ and a premium of two dollars a head had been offered to all persons who could bring in a recruit to the regular army, the regulars being the reliance for the sedentary occupation. The Cabinet adhered to their policy. The President convoked them again, and had Mr. Benton present to enforce his objections; but without much effect. The abandonment of the sedentary policy required the adoption of an active one, and for that purpose the immediate calling out of ten regiments of volunteers had been recommended by Mr. Benton; and this call would result at once from the abandonment of the sedentary scheme. Here the pride of consistency came in to play its part. The Secretary of War said he had just refused to accept any more volunteers, and informed the governors of two States that the Government had troops enough to prosecute the war; and urged that it would be contradictory now to call out ten regiments. The majority of the Cabinet sided with him; but the President retained Mr. Benton to a private interview, talked the subject all over, and finally came to the resolution to act for himself, regardless of the opposition of the major part of his Cabinet. It was then in the night, and the President said he would send the order to the Secretary of War in the morning to call out the ten regiments, which he did; but the Secretary, higgling to the last, got one regiment abated, so that nine instead of ten were called out; but these nine were enough. They enabled



Scott to go to Mexico, and Taylor to conquer at Buena Vista, and to finish the war victoriously.

"A comic mistake grew out of this change in the President's message, which caused the ridicule of the sedentary line to be fastened on Mr. Calhoun, who in fact had counseled it. When the message was read in the Senate, Mr. Westcott, of Florida, believing it remained as it had been drawn up, and induced by Mr. Calhoun, with whose views he was acquainted, made some motion upon it, significant of approbatory action. Mr. Benton asked for the reading of the part of the message referred to. Mr. Westcott searched, but could not find it; Mr. Calhoun did the same. Neither could find the passage. Inquiring and despairing looks were exchanged, and the search for the present was adjourned. Of course it was never found. Afterwards Mr. Westcott said to Mr. Benton that the President had deceived Mr. Calhoun; had told him that the sedentary line was recommended in the message, when it was not. Mr. Benton told him there was no deception, that the recommendation was in the message when he said so, but had been taken out (and he explained how) and replaced by an urgent recommendation for a vigorous prosecution of the war. But the secret was kept for the time. The Administration stood before the country vehement for war, and loaded with applause for their spirit. Mr. Calhoun remained mystified, and adhered to the line, and incurred the censure of opposing the Administration which he professed to support. He brought forward his plan in all its details, the line marked out, the number of forts and stations necessary, and the number of troops necessary to garrison them, and spoke often and earnestly in its support, but to no purpose. His plan was entirely rejected, nor did I ever hear of any one of the Cabinet offering to share with him in the ridicule which he brought upon himself for advocating a plan so preposterous in itself, and so utterly unsuited to the temper

of our people. It was in this debate, and in support of this sedentary occupation that Mr. Calhoun characterized that proposed inaction as 'a masterly inactivity,' a fine expression of the Earl of Chatham, and which Mr. Calhoun had previously used in the Oregon debate in recommending us to do nothing there, and leave it to time to perfect our title."

## CHAPTER XVII. •

A GRAND PLAN FAILS!—MR. BENTON DISAPPOINTED—SOME  
SECRETS—SANTA ANNA AND THE THREE MILLIONS  
FOR THE SECRET SERVICE — LAWS FOR  
NEW MEXICO—GENERAL KEARNEY'S  
THEORY OF A REPUBLIC.

BESIDES opposing the cessation of hostilities and the “sedentary plan,” of holding what they already occupied, very wisely, Mr. Benton proposed a plan for a decisive campaign, which the President mainly adopted. This was to place twenty-five thousand men under Taylor, who was to march from Monterey through the interior by San Luis Potosi to the City of Mexico, garrisoning the country as he went; and fifteen thousand were to be placed under Scott who should march, from some place on the Gulf, to the same point, each general having at any time a ready available effective force of ten thousand men, which Mr. Benton and the President both concluded would be enough to whip any force the Mexicans could bring against it, no matter how great it might be. To crown this plan a new office was to be created, that of lieutenant-general, having chief command in the field during the continuance of the war, and that office was to be filled by a political general. This political chief was to have the

authority to negotiate as to boundaries, for peace and other things, and was to be no other than the "Senator for Thirty Years," the wise, egotistic Benton himself. There was no trouble in passing a bill through the House to put this fine plan into operation, but in the Senate it was defeated. Mr. Madison seriously thought of making Henry Clay general-in-chief of the army at the beginning of the War of 1812, and that such a step would have been unwise is mere conjecture. And although the necessity for placing an able political leader at the head of affairs in the field did not exist in 1846, as there were at least two able military chiefs, tried and in whom the country had confidence, yet perhaps no citizen of the day could have filled the requirements of the office better than Thomas Hart Benton, who had seen some service under Jackson. Mr. Benton greatly desired the success of this scheme, more perhaps than he ever desired to become President, and he always believed the bill was defeated in the Senate by the secret influence of James Buchanan, William L. Marcy, and Robert J. Walker, on account of political aspirations.

Mexico lifted General Taylor into the Presidential chair, and brought General Scott as near to it as he ever got, and what might it not have done for Mr. Benton?

In the last hours of Mr. Tyler's Administration, the incoming President committed himself to the plan of negotiating for Texas, or if he did not many Congressmen were wheedled into the belief that he



had done so. About all there is now known on this point has been substantially told. One thing is certain, this mild little blue-eyed Tennessee President was soon found to be vehemently in favor of war, and at last when he had recommended it, declared that Congress should be held responsible if it did not authorize the declaration. He had a secret scheme. That made him enthusiastic for the war. He believed the scheme would be successful, and confidently asserted, as did his advisers, that the war and all the difficulties would be over in three or four months. There was a mystery about this confidence and exactness which gave spirit to some of his doubting friends. Mr. Polk was no soldier, and his Cabinet was composed of extremely unwarlike men. What the Administration lacked in this direction, it hoped to compensate for by a fussy pretense and intrigue. A declaration of war was necessary, and perhaps some little fighting would have to be done. But the leaders of the Administration were wily politicians, and from the outset, determined that no political reputations should be made by the war, however it might be drawn out. Nobody knew this better than did General Scott, unless, indeed, did Colonel Benton, the lieutenant-general "that was to be." The territory must be secured, further acquisitions must be made, the old indemnity difficulties must be settled on a satisfactory basis, and all this must be done in a manner to reflect honor on the Administration only. If the country got the benefit, it was little enough for the Administration to get the glory.

Much war would shift the glory to the wrong shoulders. And although the scheme required a little fighting in order to be able to make the right kind of peace, this really peace-loving and timid Administration had no idea of carrying on a great war with Mexico. This is apparent, in part, from the repeated efforts of the President to open negotiations, but with a wider range of purposes than merely fixing the Texas boundary ; and, in part, from the fixed design of the Administration to recommend the cessation of hostilities, and the occupation of the vast territory already under military control with a view to finishing the work for which the army had laid the foundation, by skillful diplomacy, in keeping with that which preceded General Kearney to New Mexico. The way the President was diverted from this course, and the warlike tone of the second message substituted, has already been shown. The army had done enough, and it was hoped that the great slices cut off the two sides of Mexico, could be made permanent acquisitions. But this could not be done without money, without bribe and corruption somewhere.

Two years before Santa Anna had been banished from Mexico, and was living in retirement, near Havana, where he had become quite distinguished in the two noble pursuits of gambling and cock-fighting. It was understood that he was opposed to the war with the United States, and inclined to a favorable peace, and before the declaration of war the Administration had fixed upon him as the certain way to a speedy peace and about all of Mexico it wanted.

This was the secret of the President's anxiety for the declaration of war, and also for his mysterious messages at the close of the last session of Congress, and the urgent repetition of the demand in the last general message for an appropriation of \$2,000,000 for secret service connected with the purposes and chances of negotiation. The bill for this appropriation was defeated at the last session by the "Wilmot Proviso," but it was again brought forward and passed without that proviso in this short session, and \$3,000,000 appropriated for the purposes of negotiation. The object to which it was to be applied, if occasion presented, was now to some extent known, or suspected. And the President was obliged to make some apology in the annual message at this time for the return of Santa Anna. It may be said here that the Administration was deceived in the pretensions of Santa Anna, and it became unnecessary to use this money to buy him into the scheme of a peace on the basis of a large land acquisition. But that fact was not fully known when Congress convened in December. Santa Anna had returned to Mexico through our blockading squadron, and not long afterwards it was charged that Mr. Polk and his Cabinet had something to do with the designs of Santa Anna on the Mexican government. The intrigue began to leak out. Still notwithstanding the fact that some very indiscreet persons had been involved in the execution of the scheme, it had been held with extraordinary success as an Administration secret. "The Union," the Administration organ at Washington, took up the

case, and without being in the secret, made this authoritative statement :—

“We deem it our duty to state in the most positive terms, that our Government has no sort of connection with any scheme of Santa Anna for the revolution of Mexico, or for any sort of purpose. Some three months ago some adventurer was in Washington, who wished to obtain their countenance and aid in some scheme or other connected with Santa Anna. They declined all sort of connection, co-operation, or participation in any effort for the purpose. The Government of this country declines all such intrigues or bargains. They have made war openly in the face of the world. They mean to prosecute it with all their vigor. They mean to force Mexico to do us justice at the point of the sword. This, then, is their design—this is their plan; and it is worthy of a bold, high-minded, and energetic people.”

But this was a mistake, at least, and that became apparent, to some extent, in that part of the President's message in December, 1846, referring to the return of Santa Anna to Mexico. The American Consul at Havana, Mr. Campbell, had discovered, he thought, that Santa Anna might be of great service to this Government, if his own ambition could be consulted, and these views he placed before the Administration; and to further test the matter, a secret agent was sent by Mr. Polk to Havana. This agent was Captain Alexander Slidell Mackenzie, who had become notorious a few years before in the most wonderful delusion, if not crime, that has ever marred the history of the American navy. Mackenzie sought notoriety. The Administration desired secrecy both for



its own honor and the success of the scheme. Mac-kenzie, it was said, was repugnant to Santa Anna. His selection was not fortunate, at all events, and it was left for another to complete the no very formal or well-defined scheme with the exiled aspirant to leadership in Mexico. It was found that Santa Anna favored peace with the United States; that he also wanted power. The United States should aid in putting him again at the head of Mexican affairs, and for this he would be ready to make a peace which would please that country, and greatly exalt the Administration. But Santa Anna would have a money consideration for his good services to the United States, and for this the President wanted the command of a few millions. This was the agreement with Santa Anna, entered into and relied upon before the declaration of war. Upon this very intrigue, the existence of which "The Union" positively denied, the President founded all his hopes for a speedy peace, and based his anxiety for war. On the very day on which the President was authorized by Congress to call for volunteers, and enter upon the war, the following order, marked private and confidential, was sent to Commodore Conner, in command of the fleet blockading the Mexican coast:—

"UNITED STATES NAVY DEPARTMENT, }  
"May 13, 1846. }

"COMMODORE,—If Santa Anna endeavors to enter the Mexican ports, you will allow him to pass freely.

"GEORGE BANCROFT.

"COMMODORE DAVID CONNER, Commanding Home Squadron."

The following extract from "The Campaign of General Scott" by the graphic pen of Raphael Semmes, of the navy, will close the real history of this affair :—

"Early in August, while the squadron was lying at anchor under Green Island, keeping watch and ward over the enemy's city and castle of Vera Cruz, the seamen on the lookout, at the mast-head of the *St. Mary's*, then cruising on the blockade, descried the smoke of a steamer. As this was not the regular day for the appearance of any of the English mail-steamers—which had been permitted to pass in and out of the beleaguered port without question, the English government pledging itself for their faithful conduct as neutrals—the smoke of a steamer was a novelty, in this now lonely deserted part of the Mexican Gulf. The *St. Mary's*, in due time, placed herself in a position to intercept the stranger, in her approach to the city; and as the latter came up within hailing distance, she ordered her to 'heave to,' while a boat was being sent on board of her. The boat being in readiness in a few minutes, a lieutenant jumped into her, and with a few strokes of his oars from the sinewy arms of his seamen, placed himself alongside the steamer. The steamer being evidently a merchant vessel, the lieutenant was surprised to find himself received with much ceremony and courtesy, at the gangway. Making his way on deck, and explaining the object of his visit to the captain, he was conducted to the cabin, where he was ushered into the society of a circle of gentlemen, evidently Spaniards or Mexicans, from their olive complexions, black hair and eyes, and pointed and curled mustachios. It was obvious, also, at the first glance, that most, if not all of these gentlemen, although dressed in plain or citizens' clothes, were military men, and persons of bearing and distinction. After a moment's pause, the captain, as though he had purposely prepared a surprise for the boarding officer, turned

toward him, and making a graceful motion with his right hand, at the same time, in the direction of one of the gentlemen, who, though of the ordinary height and figure, seemed by his commanding air and manner, to be the chief of the party, said, 'Allow me to present you, sir, to General Antonio Lopez de Santa Anna.' The officer started back at first in a little surprise, but soon recovering himself, advanced cordially toward the general, and extending his hand, a mutual interchange of civilities took place. In a few moments, Señora Santa Anna (a second wife), a handsome blonde, with deep blue eyes and auburn hair, and still in the bloom of early womanhood, joined the party, and was presented to the officer, who saluted her in turn, with becoming gallantry and respect. General Almonte, late Minister to the United States, was also present as one of the general's suite; and speaking our language well, acted as interpreter on the occasion. General Santa Anna having explained briefly who he was—although such explanation was entirely unnecessary—and that he purposed going into Vera Cruz, with the permission of the commodore, the boarding officer after sitting as long as courtesy required, and perhaps a little longer than a strict regard to duty permitted, in homage to the ladies' charms—a petticoat being an unusual sight to us rough blockaders, about this time—withdrew to report 'progress,' to his commanding officer, and to ask for orders in the novel case which had occurred. The commander, who had been prepared by the commodore for the contingency, forthwith dispatched the boat back again, and directed the officer at the same time, that he should present his compliments to General Santa Anna, to say to him on the part of the commodore, that 'he could proceed to Vera Cruz, with his suite, as he desired;' whereupon the steamer *Arab* shot boldly out from under the lee of the blockading vessel, and in an hour or two more, landed her distinguished passenger, 'big with the fate' of Mexico, safely in the

desired haven. That night, the roar of cannon and the bursting of rockets in the air testified the joy of the fickle Vera Cruzanos at the return of their lost Coriolanus; and it soon transpired, that the wily peace-maker who had so handsomely duped our Cabinet at Washington, had put himself at the head of the ultra war party, and proclaimed, in common with Acting-President Salas, whom he hastened to join, 'no quarter to the Yankees.'

Three months had passed after the arrival and restoration of Santa Anna to power, before the convening of Congress, and yet the President's message, but for the interference of Thomas H. Benton, would have advised a cessation of hostilities on the strength of the benefits hoped to be derived from his return to the head of affairs, and he did, under that expectation, ask the appropriation for negotiations. Yet all of Santa Anna's conduct had been, from the day of his landing at Vera Cruz, wholly opposed to this idea. A "revolution" had just occurred in Mexico, it is true, and the war President, Paredes, deposed and banished; but from the moment Santa Anna took charge until the 8th of December, when the President's message went to Congress, he had displayed no disposition towards peace, and had already infused a new and determined war spirit into the people of Mexico, immediately subject to his influence. Still there were several circumstances justifying the President's reliance upon the success of the agreement with Santa Anna. The bill to appropriate three millions to his scheme of negotiation did not finally become a law until the last day of the session,



March 3, 1847. The Wilmot Proviso had been attached to it, and passed in that shape in the House, but the Senate rejected the proviso, and at last this position was sustained in the branch where it originated. This proviso started afresh the agitation of the slavery question in Congress and throughout the country, and during the remainder of Mr. Polk's term the fierce conflicts of 1835 were re-enacted in the Halls of Congress. The business brought before Congress at this session was of no marked importance. A bill for the improvement of certain rivers and harbors again passed both Houses, but this was left unsigned in the President's hands at the close of the session, and did not become a law. A few days after the opening of the session, the President was called upon by the House of Representatives for the instructions to military and naval commanders touching the establishment of governments in the conquered territory. In the President's brief message in reply, are these words:—

“ Among the documents accompanying the report of the Secretary of War will be found a ‘ form of government ’ ‘ established and organized ’ by the military commander who conquered and occupied with his forces the Territory of New Mexico. This document was received at the War Department in the latter part of the last month, and, as will be perceived by the report of the Secretary of War, was not, for the reasons stated by that officer, brought to my notice until after my annual message of the 8th instant was communicated to Congress.

“ It is declared on its face to be a ‘ temporary government of the said Territory ;’ but there are portions of it

which purport to 'establish and organize' a permanent territorial government of the United States over the Territory, and to impart to its inhabitants political rights which, under the Constitution of the United States, can be enjoyed permanently only by citizens of the United States. These have not been 'approved and recognized' by me. Such organized regulations as have been established in any of the conquered Territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these Territories while the military possession of them by the forces of the United States continues, will be recognized and approved."

This brought to the attention of Congress the most wonderful achievement ever performed by an American general, and distinctly showed that the Administration did not sanction the legislative work of General Kearney in New Mexico. Under the supervision of General Kearney a vast system of laws was prepared at Santa Fe for the government of New Mexico. It was compiled from organic forms of States and Territories of the United States, and left little or nothing to trouble Congress, or to be contended over by the people of the Territory, assuming the acquisition as a fact not subject to after consideration. Some of the friends of the President, and those who admired the enterprise of General Kearney, pretended to believe the whole affair was a joke. But it brought upon the President no little censure, the Whigs making it the foundation for the most direct and positive attacks against many of his acts, which they claimed were beyond his authority

as commander-in-chief of the army. In the following strain Garret Davis, of Kentucky, in the House, referred to the President's course as to the civil proceedings of the commanders in the conquered Territories:—

“ But when he saw foreign countries occupied by our army and navy ; when he heard officers of our Government proclaiming themselves governors of provinces, appointing subordinate officers, fixing their salaries and the duration of their offices—establishing, in a word, the whole machine of civil government, he demanded of the President his authority for permitting and sanctioning such a course of proceedings. What! was our American President an emperor, sending forth his Agrippa and his Marcellus, his proconsuls, to establish and to govern the provinces they might conquer by force of arms? Was the President of the United States, an officer deriving his breath and being from the Constitution of the United States, to authorize his satraps and his tetrarchs to set up governments at their pleasure, and prescribe to them laws and regulations at their discretion? If he could, Mr. D. wanted to know under what grant of the Constitution he exercised such a power? The President, he admitted, was made by the Constitution commander-in-chief of the army and navy of the United States, and he could do, in time of war, whatever pertained to that authority. He could do nothing, however, in relation to the conduct of either army or navy, but what grew out of, and was immediately connected with, that authority. But for the express grant of the Constitution, he could do nothing in conducting the war at all. The whole duty would, in that case, devolve upon Congress, and such agents as Congress might be pleased to appoint. The President could discharge no function in relation to the war, but such as resided in him as com-

mander-in-chief of the army and navy of the country. As President, he could legitimately take no part in a war of conquest—none whatever—none, none. Then Mr. D. wanted to know from the President, and from his partisans, by what imperial or regal authority his majesty undertook to act in the premises referred to in the resolution of inquiry.”

The following articles, copied from Kearney’s “Organic Law” of New Mexico, will sufficiently apprise the reader of the character of the whole performance :—

“ARTICLE I.

“SECTION 1. The country heretofore known as New Mexico, shall be known hereafter, and designated as the Territory of New Mexico, in the United States of America, and the temporary government of the said territory shall be organized and administered in the manner herein prescribed.

“ARTICLE II—EXECUTIVE POWER.

“SECTION 1. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office for two years, unless sooner removed by the President of the United States.

“ARTICLE III—LEGISLATIVE POWER.

“SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of the Legislative Council and a House of Representatives.

“SECTION 8. All free male citizens of the Territory of New Mexico, who then are, and for three months next preceding the election shall have been, residents of the county or district in which they shall offer to vote, shall be entitled to vote for a delegate to the Congress of the United States, and for members of the General Assembly, and for all other officers elected by the people.



## "ARTICLE IV—JUDICIAL POWER.

"SECTION 1. The judicial power shall be vested in a Superior Court; and inferior tribunals to be established by law."

The entire "Organic Law" was prefaced with these words: "The Government of the United States of America ordains and establishes the following Organic Law for the Territory of New Mexico, which has become a territory of the said Government," and followed by this statement and signature:—

"Done in the Government House, in the City of Santa Fe, in the Territory of New Mexico, by Brigadier-General Stephen W. Kearney, by virtue of the power and authority conferred upon him by the Government of the United States, this twenty-second day of September, 1846.

"S. W. KEARNEY,

"Brigadier-General U. S. A."

## CHAPTER XVIII.

WAR WITH MEXICO—CERRO GORDO—A PROCLAMATION  
TO THE MEXICANS—TRICKS OF NEGOTIATION—  
SCOTT AND HIS GENERALS—THE  
HAND OF MR. TRIST.

SOON after the capture of Vera Cruz Commodore Perry took up his quarters at that point, and General Worth was made temporary governor of the place. Order was soon restored, and a feeling of safety established among the citizens. The port was opened, and traders, especially English and American, rushed in. It now became the depot of supplies to the army of General Scott; the activity and enterprise of the conquerors and the host of every sort that came in their wake, were soon apparent on every hand; and, perhaps, Vera Cruz never before had worn such an aspect of business thrift and warlike stir. The ruins of the bombardment soon disappeared, and an age of improvement seemed to have set in under the Anglo-American race.

One great object of the commander of the army in the earliest possible attack on Vera Cruz was that he might be able to enter the interior of the country before the season of vomito, or Yellow Fever.

Accordingly the advance of the American army moved on the national road towards the City of Mexico on the 6th of April, 1847. Three days afterwards General Scott received information that Santa Anna, having recovered from his defeat by General Taylor at Buena Vista, was at Jalapa to dispute his march. On the 12th Scott left Vera Cruz, and the next day all of his effective force of ten thousand men was moving rapidly toward the new scene of conflict. At the bridge across the Rio del Plan, fifty miles from Vera Cruz and twenty or thirty from the beautiful city of Jalapa, the American army was brought to a halt. Four miles from the plain on the north side of this rio was the Pass of Cerro Gordo. Here the road wound through one of the many wonderful passes which abound in this country, and render it easily defensible against almost any force. On the ridge and hill of Cerro Gordo, eight or ten hundred feet high, with the river on one side, Santa Anna, with a force about equal to that of General Scott's, had taken his position. Two ways were left for the American army, the road and the right flank of the Mexicans, gained by scaling the ridge. On the other side of the heights of Cerro Gordo the Rio del Plan secured the enemy's position. The main Mexican force lay on the road, and the ridge and the hill of Cerro Gordo were planted with batteries and infantry defenses or parapets. General Twiggs reached the Plan del Rio on the 11th of April, and on the following day began his reconnoissance, and before the arrival of

the general-in-chief had decided on the course mainly adopted by him for the attack.

On the 14th General Scott came up, and the reconnoissances were renewed with great exactness; resulting, however, only in confirming in the material points, the view taken of the situation two days before by Twiggs. On the morning of the 17th the following general order of battle was issued:—

“HEAD-QUARTERS OF THE ARMY,  
“PLAN DEL RÍO, April 7, 1847. }

“The enemy’s whole line of intrenchments and batteries will be attacked in front, and at the same time turned, early in the day to-morrow, probably before ten o’clock A. M.

“The second (Twiggs) division of regulars is already advanced within easy turning distance towards the enemy’s left; that division has instructions to move forward before daylight to-morrow, and take up position towards Jalapa. It may be re-enforced to-day if unexpectedly attacked in force, by regiments, one or two, taken from Shields’s brigade of volunteers. If not, the two volunteer regiments will march for that purpose at daylight to-morrow morning, under Brigadier-General Shields, who will report to Brigadier-General Twiggs, on getting up with him, or to the general-in-chief, if he be in advance.

“The remaining regiment of that volunteer brigade will receive instructions in the course of this day.

“The first division of regulars (Worth’s) will follow the movement against the enemy’s left at sunrise to-morrow morning.

“As already arranged, Brigadier-General Pillow’s brigade will march at six o’clock to-morrow morning along the route he has carefully reconnoitered, and stand ready, as soon as he hears the report of arms on our right, or sooner if circumstances should favor him, to pierce the



enemy's line of batteries at such point, the nearer to the river the better, as he may select. Once in the rear of that line, he will turn to the right or left, or both, and attack the batteries in reverse, or if abandoned, he will pursue the enemy with vigor until further orders.

"Wall's field battery and the cavalry will be held in reserve on the national road, a little out of view and range of the enemy's batteries. They will take up that position at nine o'clock in the morning.

"The enemy's batteries being carried or abandoned, all our divisions and corps will pursue with vigor.

"This pursuit may be continued many miles, until stopped by darkness or fortified positions towards Jalapa. Consequently the body of the army will not return to this encampment, but be followed to-morrow afternoon, or early the next morning, by the baggage-trains of the several corps. For this purpose the feebler officers and men of each corps will be left to guard its camp and effects, and to load up the latter in the wagons of the corps. A commander of the present encampment will be designated in the course of this day.

"As soon as it shall be known that the enemy's works have been carried, or that the general pursuit has been commenced, one wagon for each regiment and battery and one for the cavalry will follow the movement, to receive under the direction of medical officers, the wounded and disabled, who will be brought back to this place for treatment in general hospital.

"The surgeon-general will organize this important service, and designate that hospital as well as the medical officers to be left at it.

"Every man who marches out to attack or pursue the enemy will take the usual allowance of ammunition and subsistence for at least two days.

"By command of Major-General Scott.

"H. L. SCOTT, A. A. A. General."

On this day the Americans began the execution of their plan of turning the Mexican left, over the hills, and the engineer corps began opening the road for that purpose. Some sharp skirmishing occurred, and the Mexicans were driven from several advanced positions on the lower range of hills. The greater part of the night was spent by a large detailed force in dragging several guns up the rugged heights, which, although commanded by Cerro Gordo, were yet in condition to do great service on the next day. A sixty-three pound howitzer was also placed in position on the opposite side of the river. In the fighting of this day, it does not appear that Santa Anna became aware of the intention of the American General to turn his extreme left by a route over the ridge, which he deemed it improbable any commander would undertake, and believing or pretending to believe that the main attack had already been made against him, he started a messenger on the night of the 17th with cheering news to the Capital.

Early on the morning of the 18th the American army was in motion, with the divisions of Twiggs and Worth ascending the ridge to fall upon the left of Cerro Gordo and the main force of the enemy under General Canalizo on the national road, and the division of General Pillow continuing his line taken the day and night before on the hills to the left of the road. Before the middle of the afternoon the great victory had been won, and the shattered army of Santa Anna was driven far on the road to Jalapa.

Santa Anna had made every possible attempt to infuse the courage he claimed for himself into his men, and on the 18th he was in all parts of the field giving orders and urging resistance to the last. He beheld the capture of Cerro Gordo, the point he thought impregnable, and after seeing General Canalizo refuse to obey his orders, and knowing the day was lost, he was one of the first to leave the field, in the flight that soon became general.

The following is General Scott's report of this battle :—

“ HEAD-QUARTERS OF THE ARMY,  
“ PLAN DEL RIO, 50 miles from Vera Cruz, }  
“ April 19, 1847. }

“ SIR,—The plan of attack, sketched in General Orders, No. 111, forwarded herewith, was finely executed by this gallant army, before two o'clock P. M. yesterday. We are quite embarrassed with the results of victory—prisoners of war, heavy ordnance, field batteries, small arms, and accouterments.

“ About three thousand men laid down their arms, with the usual proportion of field and company officers, besides five generals, several of them of great distinction—Pinson, Jarrero, La Vega, Noriega, and Obando. A sixth general, Vasquez, was killed in defending the battery (tower) in the rear of the whole Mexican army, the capture of which gave us those glorious results.

“ Our loss, though comparatively small in numbers, has been serious. Brigadier-General Shields, a commander of activity, zeal, and talent, is, I fear, if not dead, mortally wounded. He is some five miles from me at the moment. The field of operations covered many miles broken by mountains and deep chasms, and I have not a report, as yet, from any division or brigade.

“ Twigg's division, followed by Shields's (now Colonel

Baker's) brigade, are now at or near Xalapa, and Worth's division is in route thither, all pursuing, with good results, as I learn, that part of the Mexican army—perhaps six or seven thousand men—who had fled before our right had carried the tower, and gained the Xalapa road.

“Pillow's brigade alone is near me at this depot of wounded, sick, and prisoners; and I have time only to give from him the names of First Lieutenant F. B. Nelson, and Second Lieutenant C. G. Hill, both of the 2d Tennessee foot (Haskell's regiment), among the killed, and in the brigade one hundred and six, of all ranks, killed or wounded.

“Among the latter, the gallant Brigadier-General himself has a smart wound in the arm, but not disabled; and Major R. Farqueson, 2d Tennessee, Captain H. F. Murray, Second Lieutenant G. T. Sutherland, First Lieutenant W. P. Hale, Adjutant, all of the same regiment, severely, and First Lieutenant W. Yearwood, mortally wounded. And I know, from personal observation on the ground, that First Lieutenant Ewell, of the Rifles, if not now dead, was mortally wounded in entering, sword in hand, the intrenchments around the captured tower.

“Second Lieutenant Derby, topographical engineers, I also saw, at the same place, severely wounded, and Captain Patten, 2d United States Infantry, lost his right hand. Major Sumner, 2d United States dragoons, was slightly wounded the day before, and Captain Johnston, topographical engineers (now lieutenant-colonel of infantry), was very severely wounded some days earlier while reconnoitering. I must not omit to add that Captain Mason and Second Lieutenant Davis, both of the Rifles, were among the very severely wounded in storming the same tower.

“I estimate our total loss, in killed and wounded, may be about two hundred and fifty, and that of the enemy at three hundred and fifty. In the pursuit towards Xalapa (twenty-five miles hence) I learn we have added much to



the enemy's loss in prisoners, killed, and wounded. In fact, I suppose his retreating army to be nearly disorganized, and hence my haste to follow, in an hour or two, to profit by events.

"In this hurried and imperfect report I must not omit to say that Brigadier-General Twiggs, in passing the mountain range beyond Cerro Gordo, crowned with the tower, detached from his division, as I suggested the day before, a strong force to carry that height, which commanded the Xalapa road at the foot, and could not fail, if carried, to cut off the whole, or any part of the enemy's forces, from a retreat in any direction.

"A portion of the 1st Artillery, under the often-distinguished Brevet-Colonel Childs, the 3d Infantry, under Captain Alexander, the 7th Infantry, under Lieutenant-Colonel Plymton, and the Rifles, under Major Loring, all under the temporary command of Colonel Harney, 2d Dragoons, during the confinement to his bed of Brevet-Brigadier-General P. F. Smith, composed that detachment. The style of execution, which I had the pleasure to witness, was most brilliant and decisive.

"The brigade ascended the long and difficult slope of Cerro Gordo, without shelter, and under the tremendous fire of artillery and musketry with the utmost steadiness, reached the breastworks, drove the enemy from them, planted the colors of the 1st Artillery, 3d and 7th Infantry—the enemy's flag still flying—and, after some minutes' sharp firing, finished the conquest with the bayonet.

"It is a most pleasing duty to say that the highest praise is due to Harney, Childs, Plymton, Loring, Alexander, their gallant officers and men, for this brilliant service, independent of the great results which soon followed.

"Worth's division of regulars coming up at this time, he detached Brevet Lieutenant-Colonel C. F. Smith, with his light battalion, to support the assault, but not in time.

The general, reaching the tower a few minutes before me, and observing a white flag displayed from the nearest portion of the enemy towards the batteries below, sent out Colonels Harney and Childs to hold a parley. The surrender followed in an hour or two.

“Major-General Patterson left a sick-bed to share in the dangers and fatigues of the day; and after the surrender went forward to command the advanced forces towards Xalapa.

“Brigadier-General Pillow and his brigade twice assaulted with great daring the enemy’s line of batteries on our left; and though without success, they contributed much to distract and dismay their immediate opponents.

“President Santa Anna, with Generals Canalizo and Almonte, and some six or eight thousand men, escaped towards Xalapa just before Cerro Gordo was carried, and before Twiggs’s division reached the national road above.

“I have determined to parole the prisoners—officers and men—as I have not the means of feeding them here beyond to-day, and can not afford to detach a heavy body of horse and foot, with wagons, to accompany them to Vera Cruz. Our baggage-train, though increasing, is not half large enough to give an assured progress to this army.

“Besides, a greater number of prisoners would, probably, escape from the escort in the long and deep sandy road, without subsistence—ten to one—than we shall find again, out of the same body of men, in the ranks opposed to us. Not one of the Vera Cruz prisoners is believed to have been in the lines of Cerro Gordo. Some six of the officers, highest in rank, refuse to give their paroles, except to go to Vera Cruz, and thence, perhaps, to the United States.

“The small arms and accouterments, being of no value to our army here or at home; I have ordered them to be destroyed; for we have not the means of transporting them. I am, also, somewhat embarrassed with the — pieces of

artillery, all bronze, which we have captured. It would take a brigade, and half the mules of our army, to transport them fifty miles.

“A field battery I shall take for service with the army; but the heavy metal must be collected, and left here for the present. We have our own siege-train and the proper carriages with us.

“Being much occupied with the prisoners, and all the details of a forward movement, besides looking to the supplies which are to follow from Vera Cruz, I have time to add no more—intending to be at Xalapa early to-morrow. We shall not, probably, again meet with serious opposition this side of Perote—certainly not, unless delayed by the want of the means of transportation.

“I have the honor to remain, sir, with high respect,

“Your most obedient servant,

“WINFIELD SCOTT.

“HON. WM. L. MARCY, Secretary of War.”

Four hundred and thirty-one Americans were killed and wounded in the two days' engagement at Cerro Gordo, and of these thirty-three were officers, seven of whom were killed or mortally wounded. The Mexican loss was supposed to be much greater, but it was never certainly known. Some letters from correspondents accompanying the army, placed the Mexican losses very high, and represented the chase to Jalapa as wonderfully destructive to the Mexicans, the road being literally lined with their dead bodies. But little stress could be put upon these statements. On the day after the battle the American army entered Jalapa. General Worth continued the pursuit of the flying Mexicans to La Hoya, another strong pass, where he met no resistance, and on the 22d took

possession of the strongly fortified castle of Perote, which Canalizo had ordered to be surrendered. Here, too, an immense amount of heavy cannons and other war material fell into the hands of the Americans. General Scott now took up his head-quarters at Jalapa, and here on the 4th of May over three thousand of his men whose time of service was about expiring, were dismissed and sent home. These men had over a month to serve from the battle of Cerro Gordo, and General Scott was censured greatly for not, at that time, when he said himself that Mexico was without an army, pushing on to the City of Mexico, and at once completing the war. It is not easy to see that this censure was not well founded. The general rested his course mainly on the benevolent desire to save volunteers from the dreaded vomito. In his general order at this time he said :—

“The general-in-chief regrets to learn, through a great number of undoubted channels, that, in all probability, not one man in ten of those regiments, will be inclined to volunteer for the war. This predetermination offers, in his opinion, no ground for reproach, considering the long, arduous, faithful, and gallant services of those corps, however deeply all will regret the consequent and unavoidable delay in the prosecution of this war to an early and honorable peace; for the general-in-chief can not, in humanity and good faith, cause regiments entitled, in a few weeks, to an honorable discharge, to advance further from the coast in pursuit of the enemy, and thereby throw them upon the necessity of returning to embark at Vera Cruz, at the season known to be, at that place, the most fatal to life.”



But there was undoubtedly another obstacle to his immediate march to the Capital. It was the old question of transportation and supplies, the ever-ready way of escape, and the constant source of complaint with all American generals from Bunker's Hill to Richmond. General Scott was seriously impeded at this time by a determination of the Administration to have the army draw subsistence from the country. In March, 1847, an order to that effect had gone forth from Washington. Money to supply the army was to be obtained by a tariff on duties at Mexican posts, and the country was to be forced to contribute supplies. Scott opposed this project, as he opposed anything else he considered impolitic and impracticable, no matter whence it originated, and wrote a sharp letter to Mr. Marcy to the effect that if the army was to be supplied in that manner, the time would be consumed in gathering the supplies, and no progress would be made. Although General Scott notified the governors of Tampico and Vera Cruz of the plan of the Government as to the revenues, and it was put in operation and carried out to the end of the war, he gave little or no heed to the feature requiring him to gather his supplies from the country without a price, and continued to purchase the products of the land at the usual rates. The slowness with which his demands for money were met by the War Department seriously annoyed the General, and in his usual way he made his feelings fully known in Washington. While at Jalapa, the General was still

further exasperated by the arrival of N. P. Trist, the chief clerk of the State Department, with authority to negotiate for peace.

Early in April General Scott had himself notified the Secretary of War that it was quite probable a commissioner with the army might soon find the Mexicans disposed to treat on favorable terms. The Administration, acting upon this suggestion, sent Mr. Trist, who had married a daughter of Thomas Jefferson's daughter, Martha. The manner in which Mr. Trist presented himself and his business to General Scott was not fortunate, and the letter of the Secretary of War to the General on the subject was not clear and frank, and the General was not only insulted, but came to the conclusion that the design of the Administration was to disgrace him. A war at once began between him and Mr. Trist, which became loud and open, but without great injury to the army or any persons but themselves. The selection of Mr. Trist was not wise, and, perhaps, Mr. Polk knew it, but the Secretary of State had his own objects to satisfy in urging him for the mission. Mr. Trist had some good qualifications, or at least one, he could speak the Spanish language, learned while serving as consul at Havana, and he knew something of the Mexican character. But Mr. Buchanan desired to appear as important a figure as possible in the case, and hence, too, a wise and distinguished person could not be selected.

The General wrote to Mr. Trist that it was simply meant to degrade him by being required to

defer to the opinions of the chief clerk of the State Department as to suspending operations in the army. And Mr. Trist assumed the following airs as expressed in his letter of the 9th of May, in reply: "You will now, sir, I trust, understand, when the communication referred to shall again be placed in your hands, that greatly deficient in wisdom as the present (and indeed any Democratic) Administration of the Government must necessarily be, it has not, in this particular instance, fallen into so egregious a blunder as to make the transmission and delivery of that communication dependent upon the amiable affability and gracious condescension of General Winfield Scott."

Nothing could have been more indiscreet and uncalled for than such language, and the effort to bring partisan politics into the case was without apology, had it not been somewhat after the common spirit of the times. Mr. Trist was vain and defective in judgment. And few soldiers were ever vainer or more intolerant than General Scott. His conduct was unworthy of his position, and if the whole case did not show a total want of genuine patriotism in both Trist and himself, it certainly did show that self-interest and self-glorification were for the moment of paramount importance. But a remarkable feature of the affair was that before reaching the City of Mexico General Scott and Mr. Trist had been reconciled some way, although the way is not very clear, and towards the last of July Scott actually wrote to the Secretary of War that

his relations with Mr. Trist were very cordial, and that he was a very amiable and proper person. No right-minded man can read the correspondence between General Scott and Nicholas P. Trist, and the history of the whole subject of the Mexican negotiation, with any great degree of satisfaction, or equanimity, at this day. A man who renders a service to his country to gratify some personal ambition or with a view to a personal reward is not a true patriot. The true friend to his country forgets himself both in his motive and in his act. So, too, that personal friendship which is founded upon present personal gratitude, or the hope of future return or recompense, is unsafe and unworthy of the name. Mr. Trist and General Scott were not the only sinners in this case, although they were the only persons sinned against. Mr. Trist's commission from the President (who was really unfavorable to his appointment) styled him "plenipotentiary," and the mere fact of his being a clerk in the Department of State had nothing whatever to do with his fitness or appropriateness for such a service. The ground on which General Scott and many others objected to Mr. Trist, that of his being merely an unknown, undistinguished employé of a Department, was one of the disgusting features of the whole affair. Had the President taken him from the streets, if he were able and honorable, the selection would have been appropriate between republics. In its own affairs a true republic can make no distinction between its citizens, only on the ground



of honor and ability, great virtue and wisdom, or the tried services of these qualities. General Scott finally acknowledged that Mr. Trist was discreet and able. That he was able there need be no doubt. He was devoted to the Administration, a thing considered great during the Mexican War, and, indeed, almost paramount to every other quality in a public officer from the day John Quincy Adams stepped down and out of the Presidential Chair until this time. Still Mr. Trist's devotion was not appreciated, and no man whose name was connected with the Mexican War had more cause to complain of his treatment than had he.

On the 11th of May General Scott issued a proclamation to the people of Mexico, which, in some respects, was one of his most doubtful performances while in that country. In this paper the General set forth a cause for the war on the part of the United States which was wholly opposed to that maintained by the Administration, and, of course, did not meet the approbation of the President, in that particular. With the exception of this very important consideration, this remarkable proclamation was received with decided favor in Washington. Scott did not issue this proclamation until after he had been urged to do so by Mexicans within his line who were favorable to peace. It was translated into Spanish by one of these Mexicans, and the part these men took in the matter greatly offended and incensed Santa Anna. It is very doubtful whether it accomplished anything in the

direction for which it was designed, and for a time, it had just the opposite effect, greatly stimulating the Mexicans to resistance. Although it was highly praised as a well-worded and appropriate paper, it is somewhat difficult to-day to see any grounds for reaffirming so favorable an estimate of it. The language, besides having about it a great air of importance, is certainly unfortunate in its insulting tone, to a people not altogether dead to feelings of respect for their country, and confidence in their public men.

The following is a part of this wonderful proclamation :—

“The hardest heart would be moved to grief in contemplating the battle-fields of Mexico a moment after the last struggle. Those generals whom the nation has, without service rendered, paid for so many years, with some honorable exceptions, have in the day of need betrayed it by their example of unskillfulness. On that field, among the dead and dying, are seen no proofs of military honor, for they are reduced to the sad fate of the soldier, the same on every occasion, from Palo Alto to Cerro Gordo, the dead to remain unburied, and the wounded abandoned to the charity and clemency of the conqueror. Soldiers who go to fight expecting such a recompense, deserve to be classed among the best in the world, since they are stimulated by no hope of ephemeral glory, of regret, of remembrance, or even of a grave.

“Again, Mexicans of honorable pride, contemplate the lot of peaceful and laborious citizens in all classes of your society. The possessions of the Church menaced and held out as an incitement to revolution and anarchy ; the fortune of the rich proprietors pointed out for plunder to

the ill-disposed; the merchant and the artisan, the laborer and the manufacturer, burdened with contributions, excises, monopolies, taxes upon consumption, surrounded with restrictions and charged with odious internal customs; the man of letters and the statesman, the man of liberal knowledge who dares to speak, persecuted without trial by some factions or by the rulers who abuse their power; criminals unpunished and set at liberty, as were those of Perote. Is this, then, Mexicans, the liberty which you enjoy?

"I will not believe that the Mexicans of the present day are wanting in courage to confess errors which do not dishonor them, and to adopt a system of true liberty, of peace, and union with their brethren and neighbors of the North; neither will I believe that they are ignorant of the falsity of the calumnies of the press, intended to excite hostility. No! public sentiment is not to be created or animated by falsehood. We have not profaned your temples, nor abused your women, nor seized your property, as they would have you believe.

"We say this with pride, and we confirm it by your own bishops, and by the clergy of Tampico, Tuspan, Matamoras, Monterey, Vera Cruz, and Jalapa, and by all the authorities, civil and religious, and the inhabitants of every town we have occupied. We adore the same God, and a large portion of our army, as well as of the population of the United States, are Catholics, like yourselves. We punish crime wherever we find it, and reward merit and virtue.

"The army of the United States respects, and will always respect, private property of every description, and the property of the Mexican Church.

"Mexicans! the past can not be remedied, but the future may be provided for. Repeatedly have I shown you that the Government and people of the United States desire peace, desire your sincere friendship.

"Abandon, then, rancorous prejudices, cease to be the sport of individual ambition, and conduct yourselves like a great American nation; leave off at once colonial habits, and learn to be truly free, truly republican, and you will become prosperous and happy, for you possess all the elements to be so. Remember that you are Americans, and that your happiness is not to come from Europe.

"I desire, in conclusion, to declare, and with equal frankness, that, if necessary, an army of one hundred thousand could promptly be brought, and that the United States would not terminate their differences with Mexico (if compelled to do so by force of arms) in any manner uncertain, precarious, or dishonoring to yourselves. I should insult the intelligent of this country if I had any doubt of their acquaintance with this truth.

"The order to form guerrilla parties to attack us, I assure you, can procure nothing but evil to your country, and no evil to our army, which will know how to proceed against them; and if, so far from conciliating, you succeed in irritating, you will impose upon us the hard necessity of retaliation, and then you can not blame us for the consequences which will fall upon yourselves.

"I am marching with my army upon Puebla and Mexico; I do not conceal it. From those capitals I shall again address you. I desire peace, friendship, and union; it is for you to select whether you prefer war; under any circumstances, be assured I shall not fail my word.

WINFIELD SOTT."

A spirited Mexican made a reply in pamphlet form to this pompous address, a performance on the part of General Scott about as worthless as that of William Hull to the people of Canada in 1812, and as ridiculous as some of those made along the northern border and in the Department of the



South during the same war. The Mexican pamphlet contained this bitter assault on Scott:—

“Has the North American General properly appreciated the magnitude of the insult which he has offered to Mexicans, and which we will remember in the day of our vengeance?

“Did the chief of the invading army propose to himself, to blind some, to divide others, and to deceive all, with his false promises, and untrue protestations? If so, he has produced a contrary result; he has aroused in all hearts a holy indignation; he has made us feel the necessity of union, in order that we may revenge so many outrages; and, finally, he has inspired us with a noble resolution, of never treating with an enemy as cruel, as perfidious. Fortunately we are not as imbecile as General Scott supposes us, nor as degraded as it would be necessary for us to be, to listen with a serene front, to his insults and his threats, in that language of protection and of pity, in which he addresses us. But let us descend to a reply to that defamatory libel upon our name; let us say something concerning that celebrated document, which certainly neither displays the practiced diplomatist, the distinguished military chief, nor the astute and dexterous politician, but the man of conquest, who, to the scandal of the civilized world, enters our territory at the head of a horde of immoral adventurers, like an Alaric, or an Attila.”

At last the nine new regiments which had been provided for at the last session of Congress, began to arrive in the field. On the 15th of May General Worth at the head of his division, about four thousand strong, entered the city of Puebla (Puebla de los Angeles), a city of seventy-five thousand people.

Here, as at Jalapa, the more wealthy classes who had not been able to flee from their homes, at first shut themselves in their houses, wholly avoiding even a sight of the hated northern horde, but after a time this feeling wore away, and the officers were admitted to their houses on the most agreeable terms. With all the insignificance of the Mexicans, the Pueblans were disappointed in the appearance of Worth's regulars. They were not giants. Nor did they make that display expected in a conquering army, yet having stopped at no obstruction. On the 21st of May General Scott broke up head-quarters at Jalapa, and on the 28th reached Puebla. Here he remained until joined by new recruits under George Cadwallader, Franklin Pierce, and Gideon J. Pillow, and on the 6th of August, began his march for the City of Mexico.

In the meantime the Mexicans had not been idle. After the defeat at Cerro Gordo, Santa Anna for a time made his head-quarters at Orizaba. From that point he wrote the following letter to the acting or substitute President, General Anaya :—

“ORIZABA, April 22, 1847.

“MY ESTEEMED FRIEND,—The dispatch which I have forwarded to the Minister of War, will already have informed you of the events which occurred on the 18th inst. The enemy made extraordinary effort to force the pass, and attacked me with his whole force (which was not less than twelve thousand men), exasperated by the repulse he had received the day before, and because he knew his ruin was inevitable unless he succeeded. He put everything on the hazard of the die ; and the cast has

been favorable to him. Nevertheless, I do not regard the cause of the nation as hopeless, if it will sustain its honor and independence as circumstances require. I presume that you have taken all proper measures for the public safety ; and first of all, for that of the capital. I shall be able to aid the capital very soon, if it will defend itself. At present I have with me fifteen hundred men and three pieces of artillery ; and there is no doubt that I shall collect, in a few days more, a force equal to that which I rallied at Cerro Gordo. I only require that you should send me some money, through the medium of bills of exchange, as I find it impossible to raise a dollar here. It is necessary, my friend, not to give ourselves up as lost ; and, before God ! you shall see, that I will make no treaty with the enemy, which will dishonor us, or put us in a worse condition. Write to me when convenient, and reckon always upon the poor services of your most affectionate friend, who wishes you every happiness.

“A. L. DE SANTA ANNA.”

The Mexican Congress was in session when the news of the defeat at Cerro Gordo reached the capital, and while a great outcry was raised against Santa Anna, the most determined spirit of resistance was manifested in the government. Greater temporary powers were conferred upon the Executive, and a strong declaration made against any kind of treaty with the United States, and it was declared that any one commencing negotiations should be treated as a traitor. Guerrilla warfare was sanctioned, and authorized, and preparations made for calling upon the people in mass, and the whole country was declared to be in a state of siege. But this temporary spirit of patriotism soon ended, and the danger of being

conquered by a "Vandal army" did not greatly cool partisan feuds and strife. On his way from Orizaba to the City of Mexico, Santa Anna had made an attempt to arouse the Poblanos to resist the entrance of Worth into their city. His own force was larger than Worth's, and although he made some show of fight at Amozoque, near Puebla, his whole force was put to flight by a few shots from the American guns. On the 19th of May he arrived in the City of Mexico, and without a general support, entered upon the discharge of the Presidency.

A few days previously there had been an unsuccessful attempt to elect a new President, and this artful chief now began to regain his lost standing. Many of his former friends had deserted him, but he soon began to exert the power bestowed by the Congress on his substitute (it not being lawful for the President to serve in the field at the head of the army), and one of his first acts was to get rid of the immediate presence of some of the intriguing leaders, as Ampudia, Arista, Almonte, and Bustamente. Almonte who had intrigued to get him back from Cuba, he cast into prison. On the 29th of May, he offered his resignation as President, but Congress did not act on it at once, and on the 2d of the following month, he withdrew this proffered resignation. Santa Anna made quite a virtue and display of this performance. He said in making his withdrawal:—

"I desired, with impatience, that some other person should succeed me, as the invading army did not intend moving immediately upon the capital, and the new chief



of the State would have had ample time to prepare for the public defense ; but I learn now that the enemy's forces are about to march, and may be expected from one moment to another. We should thus suffer an invasion of the capital, at the same time that we changed the government, which would be hazardous, and might decide the fate of the war. The news of my withdrawal from the supreme power has, as I have understood, caused this movement of the enemy. This is an affair of much importance, and demands of me a prompt decision, that I may save the capital."

He withdrew his resignation, he said, as a painful sacrifice of himself to the public good. But that is extremely doubtful, and it was wholly untrue that the American army was then marching upon the city, or that the American commander cared anything as to whether he resigned the Presidency or not. In the meantime, Mr. Trist had been looking after the business of his mission, and in the absence of friendly terms with General Scott, he determined to send Mr. Buchanan's letter, which he carried, to the City of Mexico, through the British Minister. This matter was easily arranged, and the letter, purporting to be an answer to the Mexican unacceptable terms of negotiation made months before, was forwarded to the Mexican Minister from Puebla.

On the 22d of June, Mr. Trist received answer from the minister that the communication had been referred to the Mexican Congress, and that was the end of the matter for the time. The guerrillas authorized by the Mexican government now infested the country from Vera Cruz to Puebla. The troops marching to re-enforce General Scott were reminded

at every favorable point that they were in an enemy's country. A severe engagement took place between Colonel M'Intire and these guerrillas at the National Bridge ; and near the pass of Cerro Gordo, M'Intire was compelled to take a strong position and await the arrival of re-enforcements under General Cadwallader. Colonel Childs, who had been left to hold Jalapa as an American post on the line of supplies, was now withdrawn to Puebla. General Scott finding it impossible to keep open this long line to Vera Cruz, at last determined to draw his support from the country. While at Puebla he also organized a guerrilla band. These men were called spies, and were composed of Mexican outcasts, headed by Dominquez, who was a notorious land-pirate. This uncalled-for and strange performance of Scott brought neither advantage nor credit to the American army.

The new troops, so fast as they arrived at Puebla, were put into a thorough system of drilling, and by the time the order was given to march on the old City of Mexico, the greater part of them had the appearance of regulars. Much of the time was spent at Puebla in manufacturing clothing for the army, a work which the General made the ground of some plain language to the Secretary of War. And although he became reconciled to Mr. Trist, Scott did not cease to reflect that he had made the declaration that the Administration meant to degrade him ; and during this long delay he asked the War Department to provide a successor for him, as he wished to withdraw from a service so unfavorable to him. But his

messengers were now greatly delayed in reaching Washington, and no action was taken on his complaints and demands until the war was virtually closed, and serious charges had been made against him. Towards the end of July, Santa Anna sent a secret agent to General Scott with a proposition to favor the appointment of commissioners to treat for peace. In this proposition the Mexican general fixed his own bribe at ten thousand to be paid at the outset, and one million in the event of a favorable or satisfactory peace. General Scott and Mr. Trist received the proposition favorably, and the former especially argued earnestly for its acceptance. General Pillow, who had been taken as an advisory commissioner, by recommendation from Washington, assented, and the ten thousand dollars were paid by General Scott from the scant funds he could command. Santa Anna then suggested that it would be necessary for the American army to move toward the City of Mexico, and perhaps make an attack upon some of the defensive points around it, in order to render the circumstances favorable to negotiations. To a certain extent Scott fell in with the cunning and insincere propositions and suggestions of Santa Anna.

Scott called a meeting of his general officers, and placed before them the proposal of Santa Anna, and also asked their opinions as to marching at once towards Mexico, or waiting the arrival of General Pierce then on his way from Vera Cruz with three thousand troops. Cadwalader and Twiggs gave no opinion on the offers of Santa Anna; Smith and Pillow

were favorable to it; Quitman and Shields were decidedly opposed to it, and the opinion of one of them was not asked; but all that met in the council advised waiting at Puebla until the whole probable strength of the army was ascertained by the arrival of General Pierce. This was another of the remarkable affairs of the Mexican War, and was founded upon the understanding both of Santa Anna and General Scott that the Congress of the United States had made an appropriation of \$3,000,000 to be used in this very business of bribing Santa Anna to a favorable treaty. But both General Scott and Mr. Trist were anxious for a treaty to be concluded from motives not altogether unconnected with their personal interests. Mr. Trist hoped to receive some honor from the negotiation, and General Scott, perhaps, designed it to help him to the nomination by the Whigs to the Presidency. He had sufficient military reputation, and was anxious that the part he would take in the final settling of the difficulties between the two countries should establish his standing politically. But whatever else General Scott was, it can hardly be claimed that he was a discreet and skillful diplomatist. In this respect Santa Anna was his superior. The Mexican political leaders, as a class, were men of great cunning, and their utter disregard of all honorable considerations enabled them to deceive the President and his Cabinet so completely as to induce them to fall, with alacrity, into the trap of sending Santa Anna from Cuba to prolong their struggle against the United States at great expense to both



countries. They egregiously deceived General Taylor into a ridiculous armistice at Monterey to enable them to regain their broken organization. And Santa Anna, perhaps, one of the most notoriously unprincipled men in Mexico, was now most shamefully misleading the "North American" General, who would again allow himself to be scandalously humbugged by him before the walls of Mexico.

## CHAPTER XIX.

WAR WITH MEXICO—GENERAL SCOTT IN THE HEART OF  
THE ENEMY'S COUNTRY WITHOUT CHANCE OF suc-  
COR—BATTLE OF CONTRERAS—VALLEY OF  
THE WONDERFUL CITY—A MEPHITIC  
BASIN IN THE CORDILLERAS.

ON the 7th of August the American army began its march from Puebla towards the City of Mexico. It had been formed into four divisions, the first under William Jenkins Worth ; the second, under David E. Twiggs ; the third, under Gideon J. Pillow, a Tennessee lawyer and political general, but really a brave and able man ; and the fourth, under John A. Quitman, also an able political general. The whole force on the way to the Mexican capital by the 10th of August, numbered about eleven thousand men of all kinds. On the 10th, the second division leading the advance, entered the valley of the City of Mexico, and soon afterwards General Scott fixed his head-quarters at Ayotla, ten miles from the first defenses of the enemy. Before leaving Puebla Scott had made every possible exertion to have accurate maps of the Mexican position made, but in this he had not been very successful, and now entered upon the campaign without a thorough knowledge of the country over which he was to fight his way into the

enemy's capital. Much of the information he had obtained was from wholly unreliable, and little or none of it from military, sources. It was well known that the main route, the national road, on which he had marched from Vera Cruz, passed between El Peñon, an impregnable fortified hill where Santa Anna had his head-quarters, and Lake Tezcucó; and that the intervening country from El Peñon to Lakes Chalco and Xochimilco was defended by the equally impassable fortifications, wet ditches, and marshes of Mexicalcingo. From all the information the General could obtain, he was driven to the conclusion that it would be impossible to pass to the east and south of Lake Chalco, and thus avoiding the great obstructions, here mentioned, approach the city by its more southerly entrances. The road to the north of Lake Tezcucó was long, and the approaches to the city on the west of that lake were believed to be extremely difficult. Although General Scott had undoubtedly hoped to make a passage between the mountains and Lake Chalco, when he sat down at Ayotla there seemed to be but one way to the City of Mexico, and that by the impracticable fortifications mentioned, unless, indeed, he still had faith in the pretensions of Santa Anna, and believed a peace yet possible without further loss of life. Scott's report to the Secretary of War, dated August 19th, conveys the idea that he had not abandoned all hope of getting around Lake Chalco. However this may have been, it was certainly understood that he had done so, and it being generally believed among the officers that he was

about to order an advance by way of Mexicalcingo, Worth on his own responsibility and without advice sent Lieutenant-Colonel James Duncan with three hundred and fifty men, supported by six hundred others, to examine the absolute practicability of the route around that lake, which it was well known had been used years, perhaps a hundred years or more, before.

Lieutenant Raphael Semmes, of the navy, says Worth was so pleased with the result of this expedition, that he sent Colonel Duncan in person to General Scott with this spirited and soldierly letter:—

“HEAD-QUARTERS 1ST DIVISION, CHALCO, }  
“August. 14, 1847. }

“GENERAL,—I have the honor to submit the report of Lieutenant-Colonel Duncan, whom I selected to conduct an important reconnoissance, and to solicit for it your own particular examination; and in doing so, I feel assured you will kindly excuse a few suggestions. This report solves all doubts as to the practicability of the southern route (or that around Lake Chalco), and demonstrates the facility of reversing the enemy’s main positions, where they have bestowed their principal labor, and placed their principal armament, before the latter can be shifted to the quarter in the neighborhood of Tacubaya. Secondly, that this route will give you elbow room, a large field of supplies, and keep your force, numerically so inferior, intact, a point, it appears to my mind, of first importance, until a paralyzing blow shall have been struck, and an important and commanding position attained. Once with your entire force at San Augustine, or still better, Tacubaya, and you have the game in your own hands, freed from all the doubts and anxieties of detached and isolated corps, in a word, taking and keeping the initiative. Opposed



to these views I can only imagine one, of consideration, viz.: that we abandon our line, and enable the enemy to place himself in the rear. To which I answer, that we are not in circumstances to entertain the question of the rear. This army has crossed the Rubicon, and has no resource but victory, which, in my judgment, will be assured by united action. Lieutenant-Colonel Duncan bears this, and will be at hand, to give any further explanations of his reconnoissance.

“I have the honor to be, with much respect,

“Your obedient servant, W. J. WORTH.

“MAJ.-GEN. WIN. SCOTT, Com'd'r-in-Chief, U. S. A. in Mexico.”

It has been quite generally claimed that Scott ordered this reconnoissance to be made, or authorized Worth to make it on account of the desire of Worth and Duncan to do so. But this letter clearly shows that General Scott knew nothing of Worth's design whatever, further than that he had ordered a general reconnoitering by all the division commanders.

On the very morning (the 14th) of the day in which this reconnoissance was made, General Scott had decided to move the following day on Mexicalcingo, and Worth understood that he was to attempt the passage around Lake Chalco alone with his division with a view of finding his way to the rear of Mexicalcingo, or rendering such service as he could to the main point of attack.

Worth believing the plan of the General-in-chief to divide the small army would lead to fatal disaster, and opposing the idea of attacking Mexicalcingo, with a view of changing the designs of General Scott, undertook the examination of this passage. Scott

gladly accepted the newly discovered route, although even that was not without hazard, as the character of the country on the south of the lakes was not well understood. If General Scott contemplated dividing his army, and sending a detachment into an unknown region without even a definite supposition as to its ability to render him assistance, he was about to do one of the most suicidal things ever perpetrated by a soldier. It was well for his reputation that the reconnoissance was made, even at the risk of bearing the charge of having abandoned the southern route without sufficient examination. At all events, on the night of the 14th, the plan was changed, and on the following morning the army began to move around Lake Chalco, Worth in the lead. On the 17th Worth arrived at San Augustine, and the other divisions came up on the following day. Santa Anna was aware of the change of General Scott's course almost as soon as it was made, and at once began to remove his troops from the main fortifications at El Peñon and Mexicalcingo, and prepare to resist him on the new line. He took up his quarters at San Antonio, about six miles from the City of Mexico. Two miles in the rear of San Antonio, on the main route, at the village and bridge of Churubusco, another strong position was taken. Beyond this the way was open to the gates of the capital. To the left and south of this route by the way of Contreras and the village of San Angel, there was still another, and an unobstructed route to the city. To reach the Contreras road it was necessary to pass

around and over the Pedregal, a stony, rent, and roadless lava-bed, the undisturbed remains of a long ago extinct volcano. J. L. Mason, of the engineers attached to General Worth's division, and Captain Robert E. Lee, of the engineer corps, attached to the head-quarters of the General-in-chief, and several other engineers, explored this lava-bed, but arrived at different conclusions as to the practicability of the route. Lee not only considered it practicable, but regarded that as the way to reach the capital. General Scott determined to make a lodgment on the southern road, and also hold to the main line by Churubusco. Reconnoissances were at once ordered on both routes, and on the evening of the 18th, it was found that the enemy with a force equal to the whole American army had taken position in advance of Contreras, on the hills of Padierna, under General Valencia, one of the most unreliable of all the Mexican leaders. On the morning of the 19th of August Pillow's division was sent to open the way for artillery across the lava-bed, and the division of Twiggs was moved forward to the protection of Pillow. Night, the usually rainy night, came on, with the position of the American army not very well defined, and a great deal of confusion among the various commanders. The Mexican general was disposed to believe that he had gained some advantages, and sent to Santa Anna, who had made a fruitless attempt to re-enforce him, a report that he only waited for morning to finish the destruction of the invaders.

But the morning brought with it quite a different

story. General Persifer F. Smith, who, with Shields, Colonel Bennet Riley, and Cadwallader, was on the field in the neighborhood of Contreras, determined to move upon the enemy's rear or flank in the night, and sent word to General Scott that he would march at three o'clock, and asked that some diversion might be made in his favor. Colonel Ransom was sent forward with his (Morgan's) regiment, the 9th Infantry, under the guidance of Captain Lee. At three o'clock the movement began and was conducted without the knowledge of the Mexicans. Each brigade was led by an engineer, Brooks, Beauregard, and Tower, besides Lee being on the field for that purpose. Colonel Bennet Riley led, Cadwallader with his own, and Major Dimick with Smith's men following in the same route. Shields was posted near the San Angel road to watch any movement to re-enforce Valencia. The difficulties of the route greatly delayed the advance of the troops, and day had dawned before Riley had gained the flank and rear of the hills on which Valencia was camped.

At daylight the Mexicans had begun cannonading Shields without observing the position of the other troops. Smith now closed up the long columns of Riley's and Cadwallader's brigades, and began to ascend the hills. The attack was made in fine spirit, and from the outset the Mexicans were thrown into great confusion, which was wonderfully increased by the arrival of Ransom, who opened a murderous fire from the other side and approaching



the San Angel road, their only chance of escape except to the mountains. Soon after the attack Valencia disappeared, and the rout became general. It was the work of a few minutes. The mass of the cowardly fugitives rushed along the San Angel road, but Smith ordered his own brigade under Dimick to fall upon their flank; and Shields now seeing the course of affairs did the same with his brigade, finally succeeding in placing his own men across the road, when the remaining Mexicans threw down their arms and surrendered. It was a splendid morning's work, with little loss, comparatively, to the Americans, who now, more than ever, felt themselves invincible by any Mexican force. The Mexican loss was about seventeen hundred in killed and wounded, and nearly one thousand in prisoners, among the latter being Generals Salas, Garcia, Mendoza, and Blanco. A large quantity of military stores and twenty-two cannons fell into the hands of the Americans. And among these spoils were the guns captured by Santa Anna at Buena Vista (Angostura). The whole American loss was about seventy-five men in killed and wounded. The great Valencia disappeared from public notice after the battle of Contreras or Padierna.

The Mexican force in the battle of the 20th was more than six thousand and that of the Americans not more than four thousand all told. The prominent figure in this splendid victory was evidently Persifer F. Smith, as he planned the night attack which was successful, although not carried out fully

until six o'clock in the morning, and he commanded the troops in the main engagement. Under him, perhaps, the most interesting character was Colonel (after this General) Bennet Riley, who led the advance. He was a soldier by profession, a brave and noble man, and although he succeeded poorly in gaining military honors and rank, he never failed on the field of battle. Of him and the ground of Contreras Wilson wrote in his "Mexico and its Religion":—

"What sort of a victory has it proved to the hero of this battle? He had spent the best portion of his life in the Indian Territory, arranging difficulties, appeasing strifes, overawing the turbulent, and restraining the lawlessness of white intruders. And now he had become an old man, with the rank only of major, as he had no kind friend at court. But the Mexican War opened to him the prospect of winning a sash, or being brought home in a coffin.

"The sash was won, but the coffin was near at hand; for while he was gaining his laurels he contracted a cancer, which in a short time after his return from a distant command, consigned him to the home prepared for all living. Forty long years had he followed the profession of arms, and endured its hardships without a murmur; yet, when he laid down his sword to die, he had nothing to leave to his children but the commissions Congress had awarded him on his California revenues. War is a hard trade for the bravest of the brave, and with very few prizes except to political favorites, who, with high-sounding titles, but without military experience, ride by the side of some brave subaltern, gather his laurels, and enjoy the fruits of his experience.

"A slight breastwork and a heap of bones and skulls

mark the site of this gallant exploit of General Riley. And we fancied that we could select the American skulls from the common mass, as they clearly belonged to two distinct races of men; one set of skulls being thin and firm, while the other was thick and porous."

One of the most romantic spots on the face of the earth is supposed to be the Valley of the City of Mexico, and certain it is that few parts of the world in modern times have been so beclouded with fiction, which the unsuspecting and even many of the most thoughtful and penetrating have taken for truth. Few have dared or cared to break through the fabrications of mist and falsehood which have hung over all Mexico since the conquest. The little Valley of the City of Mexico, seventy-five hundred feet above the level of the Pacific in the center of the Anahuac Cordillera, has for three hundred and fifty years been the seat of these wonderful historical delusions. When the army of General Scott caught their first glimpse of the City of Mexico from near Rio Frio, it was to behold it with much of the false light in which it had been invested through all these centuries. These republican soldiers, like Cortez and his Spanish pirates, were hurrying on in their imaginations to revel amidst a civilization and glories that never existed. Subsequently as they beheld the despised descendants of the ancient Toltecs and their successors, the Aztecs, living in their one-story adobe "palaces," still rude and superstitious, it might have been suggested with what ease Cortez, a robber chief, in the best of all possible

positions, to immortalize himself in a nation where fiction and falsehood had made a great part of history since the days of Charlemagne and the Moorish invasion, had invented the tale of a vast people, untold grandeur and wealth, and a barbaric civilization which startled the wonder, admiration, and cupidity even of southern Europe. But now in the light of a better and wiser age, and in the hands of an independent and intellectual people, this old fiction of the Conquistadors is slowly passing away.

At Rio Frio the national road reaches a height of ten thousand four hundred feet above the sea, and five miles from this point the descent into the valley begins, but the city remains hidden for a time, owing to a chain of hills across this (the eastern) side of the basin. The valley is an irregular oval plateau or basin of porphyritic rock extending in a south-easterly and north-westerly direction, almost entirely surrounded by the mountain in which it lies.

It contains about fifteen hundred square miles, of which a hundred and fifty square miles are lake and marsh, and is thirty-two by forty-two miles in length and width, with a circumference of about one hundred and seventy-five miles. The great object of attraction in this valley is Mexico City. The original old city of Tenochtitlan or Mexico, built by the Aztecs stood, in Lake Tezcucó, and was represented by Cortez as being another Venice, part of its streets being water, and as having been founded in 1325. This great city of mud "palaces" was easily pulled down by its own people and it



and all its wealth thrown into the ditches before the advance of the conqueror, in 1519.

Although Cortez began to rebuild the "city" in 1521, the present City of Mexico really dates from 1634. For five years preceding that time there had been a flood in the valley, and the water had so rotted and destroyed the foundations of the houses, that they gave way entirely to new structures and a new city. If this city was ever surrounded by water the water has greatly receded, as it is now two or three miles from the nearest lake or pond, Tezcuco. This valley is really divided into two parts, an upper and a lower valley, the lower being that in which the city is. In the upper or higher plane lie lakes Zumpango and San Cristobel, the latter being twelve feet above the level of Tezcuco, and the other still more elevated, and the "Grand Plaza" is but three or four feet above the level of the salt lake, Tezcuco. This is the lowest water in the basin. To the south-east are the two other lakes or marshes, Xochimilco and Chalco, being fresh water and lying several feet above Tezcuco, and nearly on a level with the Grand Plaza of the city. Notwithstanding the descriptions of Cortez and Diaz, there was, perhaps, little greater volume of water in this valley three hundred and fifty years ago than when the North American army entered it in 1847. There was no natural outlet to the waters of this valley, and all excesses from the mountains and rains were disposed of only by evaporation. Only so much evaporation could take place in a

given time. The reputed flood came in 1629, but it was five years in evaporating to the former standard. It must be borne in mind, too, that it is an indisputable part of the religious history of the country that this excess of water was got rid of by the merciful intervention of "Our Lady of Guadalupe" or the "Virgin of Remedies," who caused the ground to open and swallow the superabundant water.

Chalco is connected with the shallow marsh or lake Xochimilco, and from that a canal passing the eastern side of the city empties into Tezcuco. Chalco is fifteen or twenty miles from the city. Small ditch-like streams run into all of these lakes, and shallow irrigating ditches and canals in a kind of net-work mark the level plain stretching around the city. Around these lakes and among these ditches Cortez found (or at least he said he found) cities of from five thousand to three hundred thousand people; and General Scott found villages and hamlets of mud huts with a few ignorant and immoral and brutish inhabitants. Here, too, on the last named lakes and the channels leading from them Cortez sailed in his brigantines among the fabulous floating gardens more rich, beautiful, and real than all the dreams of "Araby the blessed;" and General Scott found in their places gardens, well and securely sunken in the mud, but rich and beautiful all the same. On the shallow water passages, the Indians in their canoes and small scows still carry the productions of these rich gardens to the markets of Mexico, while they themselves feed on black beans,

red pepper, and corn cakes. One of the prettiest parts of all this old fable was that relating to the floating gardens, which never did exist. The Aztec Indians were unable to make water-tight boats for floating little islands, and with rafts and any other structures, two natural laws, specific gravity and capillary attraction, would soon have done away with floating gardens. Another bit of luxuriant grandeur which the old Spaniard humbugged the world into believing that he enjoyed was reveling in the "Halls of the Montezumas." American writers on the war with Mexico, even the most respectable of them, have rounded out their sentences with this meaningless metaphor, "the Halls of the Montezumas;" and General Scott and his gallant little army have been made, over and over again, to "revel in the Halls of the Montezumas." It is hoped that some one will be kind enough to consider it a small virtue in this work that it scrupulously avoids this groundless and foolish fiction.

When the American army entered this valley, General Scott found himself undecided as to the remainder of his route to the City of Mexico. The National Road lay near Lake Tezcuco, and the rocky elevation called El Penon fortified with great strength, guarded it and much of the surrounding country, and here the Monté chief had fixed his head-quarters. Mexicalcingo (Little Mexico), a mud village, as old as Tenochtitlan itself, occupied some dry and elevated ground near the Lake Xochimilco, and this was well defended by parapets and ditches, and the country

lying between El Peñon and this one of the Conquistador's great cities was an almost impassable marsh. The national road itself was flanked by ditches. A century before a route to the south around Lakes Chalco and Xochimilco had been known, but now Santa Anna did not suppose even the enterprising Yankee would attempt that passage. Yet, this was precisely what he did. Before him went as daring and competent a set of engineers, men just entering the prime of life, as ever led an adventurous army to conquest. The Mexican saw that he was outgeneraled. El Peñon, Mexicalcingo, impregnable works, swamps, dikes, ditches, lakes, all were now worth nothing. He must hunt a new base. But before General Scott had reached San Augustine, he was fortifying at San Antonio and Churubusco. To gain time for this, he had gathered up the spiritless and tractable Indians of Chalco, and sent them forward to obstruct the narrow passage the American army was pursuing. These poor non-belligerents were able to see the ludicrousness of their own position a few hours later when they were gathered up and made to work vigorously to remove the obstructions they had thrown in the way of the invaders. The Americans were now very near the City of Mexico, but the flat plain before them was unknown, to a great extent. On their right lay Xochimilco, and back to the right was Chalco. The great causeway of San Antonio extended from San Augustine directly to the city ten miles away. At the bridge of the Churubusco (a rio with great moles on each



side of it), Santa Anna was preparing his most important defenses. Here and about the old convent, and among the corn-fields, marshes, and dikes was fought the first great battle of the valley, and that, too, after the position had been flanked by the brilliant achievement of Contreras, or Pardierna. To the left of the American position and stretching back to the foot of the mountain spurs, lay the Pedregal, interspersed with patches of cultivatable land and volcanic hills. This was a vast lava-bed, the result of some explosion ages before, and its cracked, ragged, and jagged surface was now not known to be passable, especially for artillery, or any kind of organized military movement. When Contreras was gained a new route was opened to the city by roads and causeways, from San Angel to the southern gates, and intersecting the great causeway of San Antonio. After the battle of Contreras, had the American general pushed forward on the same day there would have been only the running battles of the causeways and gates, and these had to be fought eventually. And even when he had fought and gained the bloody battle of Churubusco, which did not appear necessary otherwise than to open the supply depot to the army, the Pedregal being impracticable for the great gun-carriages, and the half a thousand wagons, the cattle and horses, no more than these battles remained between him and the possession of the city, had he chosen to press forward. In the seventeen days of fruitless armistice, Molino del Rey (mill of the king) and Chapultepec rose in the way, but still not consti-

tuting a necessary part of the key to the city. Twelve thousand Mexicans were busy during the armistice in completing the outer fortifications of the walled capital, and flooding the low flat country. In this way they were aided by the great rains, it being then the midst of the rainy season, extending from June to October.

General Scott was greatly deceived about Molino del Rey, and of the great unnecessary battle fought here he made no use. He persisted in thinking the Molino a foundry. It had, indeed, been a powder-mill, and after the war, was again put into use, a wheel in it being turned by water brought in a canal from one of the lakes. This was an unfortunate battle, unwisely fought without cannon mainly against masked batteries and impenetrable stone walls. Between the Molino and Chapultepec was an old cypress grove, centuries and centuries old; old, perhaps, before the coming of the Spanish invaders. Chapultepec was itself a rocky protuberance, now surrounded by dry land, but once, it is claimed, standing in solitary grandeur in the expanded lakes. About this are springs of pure fresh water which remain always unaffected by their surrounding circumstances. The Chapultepec and the San Cosme (San Cosmo) causeways are divided in the middle by aqueducts leading to the city, and here the causeways make two roads, one on each side of the aqueducts. In this interesting valley grow the willow, the cypress, the Lombardy poplar, and on the borders of the ditches, canals, and "rios" grew, in old thick masses, the

Agave Americano, furnishing everywhere a natural hiding place for the Mexican soldier. From what has been written here and what is interspersed in the course of the narrative of events the reader will be able to gain some idea of the valley of the City of Mexico, and of the difficulties before the American army. He will also be enabled, to some extent, to see why more of the invading army were falling from disease than by the sword of a cowardly foe, cowardly to the last, cowardly even at the gates of his capital and the door of his own home, cowardly in the last ditch.

It must be remembered that about all the outlet of the accumulations of this great city and valley was by the sun. Evaporation only takes water, pure water. In the ditches, marshes, lakes, all animal and vegetable matters were left to stagnate and putrefy. The work of evaporation became now more difficult from the almost daily rains, which sometimes in the evening and night came down in torrents; and the malarial accumulations became greater by the destructive effects of excessive humidity. Still this season in this valley has its advantages, for in the winter or dry season, the ditches and ponds are covered with a mephitic green scum. By the labor of more than a hundred years, the Mexicans made a tunnel and then an open cut by which it was undertaken to turn a part of the water out of the valley. Although the causes of the great saltiness of the water of Tezcucó and San Cristóbal may not very fully appear, the fact that it is salt, perhaps, alone

renders this wonderful valley at all inhabitable. Mainly from the ditches, marshes, and fresh water lakes come the decompositions which so materially increase the death rate at Mexico in the summer or rainy season, a death rate always large. This chapter must be ended by the reflection, in nowise reassuring, that in this contracted valley have decomposed the bodies of many generations of its strange and undesirable inhabitants. Thousands of foreigners for several hundred years have laid their bones here to increase the volume of noxious matter. And near Chapultepec is the American cemetery, formed since the war. Here are buried the bodies of our countrymen who die in Mexico, and here were collected the remains of seven hundred and fifty of them who fell in the war. A plain, neat monument erected by order of the United States Government tells this story.



## CHAPTER XX.

BATTLE OF CHURUBUSCO—A LONG EVIL ARMISTICE—  
BATTLE OF MOLINO DEL REY.

ALTHOUGH seven hundred Mexicans had been killed, more than twice that number wounded and captured, and a great victory gained, the greatest advantage to the Americans from the battle of Contreras, perhaps, should have been the opening of a new route to the City of Mexico. Our troops immediately pushed on to San Angel, and were there far in the rear of San Antonio, and a mile and a half to the left flank of Churubusco. From the point then occupied two roads, at least, were open to the capital without touching either San Antonio or Churubusco, the latter being four miles from the city, and of no more apparent consequence to the Americans than were El Peñon and Mexicalcingo. Why then did General Scott fight the battles of San Antonio and Churubusco? If it was to open a passage for his trains, that could have been avoided, for this was not impossible over the lava-bed to Contreras. These strong positions were completely turned, and the American army had now no reference to its own rear. Santa Anna who had reached San Angel on the evening of the 19th on his way to the aid of

Valencia, now returned to Churubusco, followed by Twiggs and Pillow, who took the cross-road or causeway from San Angel to Coyacan on the Mexican right flank to the strong position of Churubusco. Scott now came forward over the Pedregal and took his position with this part of the army. From Coyacan two roads approached the causeway of San Antonio. Twiggs moved on one of these, with a view of operating on the Mexican flank, and Pillow on the other, to gain the causeway in rear of the enemy. Worth was on the direct route, his original position, approaching San Antonio. Between him and General Scott there was no communication, the latter having taken his position of observation at Coyacan, where he remained during the greater part of the day. Worth, who had been ordered with a part of his division to Contreras, finding that his services were not needed, returned to Coapa, and immediately moved on San Antonio, as he had been directed to do. He sent Clarke and Duncan over the almost impassable Pedregal and morass cut with ditches to gain the causeway between San Antonio and Churubusco, and with the main force, he pushed forward on the road. But General Bravo, who held San Antonio, knowing the result of Contreras, and seeing that the main part of the American army was closing in on his rear from Coyacan, began a hurried retreat. Most of his army had passed on to Churubusco before Clarke reached the causeway. But Bravo himself, and many of his officers and men were too late to escape Clarke, and in order to save themselves from capture left the cause-

way and retired through the swamps and ditches towards Mexicalcingo. General Perdigon Garay was taken prisoner with a number of others, in this affair, and several Mexicans killed or wounded. The Mexicans were now in three positions, with about twenty-five thousand men, in the neighborhood of the village of Churubusco. At the bridge across the Rio de Churubusco were strong and scientifically made defenses, supported by large bodies of infantry. These were on the causeway directly in front of Worth. The Churubusco was a canal-like creek opening into Lake Xochimilcho, and having high banks on each side to prevent overflowing. Behind these banks the Mexican infantry was strongly posted. The next position was south of the Churubusco canal or creek, and several hundred yards from it to the left of the main causeway on which Worth was advancing, and in the village. This was a convent and church with holes cut in the walls and defended by a strong battery, and having a garrison of three thousand troops commanded by the old Mexican General, Rincon. Besides these, there was a strong reserve force of cavalry and infantry on the main causeway some distance in the rear of the Churubusco bridge. Pillow, who had been ordered to gain the causeway in rear of San Antonio, finding that Worth had taken that place and was moving rapidly toward Churubusco, directed his course across the fields, marshes, and ditches, and gained the causeway, marching with Worth's division to Churubusco. In the meantime Twiggs's division had engaged in fearful conflict, by

way of the swamps and fields, with the convent. Cadwallader's brigade of Pillow's division was also engaged. Pierce's brigade of this division, and Shields's, of Quitman's, were now sent from Coyacan to fall upon the Mexican rear on the main causeway beyond the bridge of Churubusco. Pierce was now on the field again, although he had been suffering greatly by the falling of his horse in the chasms of the infernal Pedregal the day before. The battle now became general, the Americans fighting to great disadvantage, more from a total want of knowledge as to the positions occupied by the enemy and the nature of the land and approaches, than from the vast number of the Mexicans, the latter fact, indeed, making little or no difference, no matter what the odds if the opportunities of attack were at all equal. The bridge of Churubusco was carried after a desperate struggle. Rincon seeing he could not long hold out now, hung out a white flag; a part of his garrison attempting to escape was captured or killed, and he with the rest surrendered. The Mexicans were again whipped when Worth took the Puente de Churubusco. The rout was now general, and Worth and Pillow rushed on towards the gates of the City of Mexico, which Harney's cavalry were on the point of entering, when the bugles called a retreat. The great battle was over. And why did not General Scott press on and take the city at once? It was within his grasp. Was all this work to be done over again at such a vast cost of life? Yes, the folly of negotiation, some political policy, was destined to give the treacherous



Santa Anna time to prepare Molino del Rey and Chapultepec. At the close of this day's work, General Scott returned to San Augustine, where Quitman had remained with a part of his division in charge of the depot of supplies. The American loss in killed and wounded in the battle of Churubusco was over one thousand, and seventy-six of these were officers. It had been a fierce struggle, and in it the Mexican soldiers had fought with unusual bravery for them. Their loss was very considerable, reaching nearly four thousand in killed and wounded, and about three thousand in prisoners.

At the close of this day (August 20th) the American army was composed of less than nine thousand effective men. General Scott was anxious at this point for something to be done in the way of negotiating a peace, and although he had no doubt as to his ability to conquer one even with his small army, he was now ready to favor any overtures which might come from Mexico. He had not long to wait. On the same night of the great battles the British Minister, a very officious personage with a very definite leaning towards the Mexicans, and no remarkably high sense of sincerity, with the Mexican General Mora, visited General Scott at San Augustine. The British Minister thought it quite probable that peace could be made at this time, that the Mexicans were very sensitive, that the position of Santa Anna was embarrassing and delicate, that it would have to be managed with great care, that Santa Anna could not appear to take the initiative,

Congress had declared a penalty against such a step, that the capital should be spared, that if the people were humiliated and the "government" driven from the city all hope of peace might be abandoned. On the following day as Scott was on the way to Tacubaya he was met at Coyacan by a deputation from Santa Anna proposing an armistice. Upon which he sent the following note to Santa Anna:—

"COYACAN, August 21, 1847.

- "TO HIS EXCELLENCY, THE PRESIDENT AND GENERAL-IN-CHIEF OF THE REPUBLIC OF MEXICO:—

"SIR,—Too much blood has already been shed in this unnatural war between the two great republics of this continent. It is time that the differences between them should be amicably and honorably settled; and it is known to your excellency, that a commission on the part of the United States, clothed with full powers to that end, is with this army. To enable the two republics to enter on negotiation, I am willing to sign, on reasonable terms, a short armistice. I shall wait with impatience until to-morrow morning for a direct answer to this communication; but shall, in the meantime, seize and occupy such positions outside of the capital as I may deem necessary to the shelter and comfort of this army.

"I have the honor to remain, with high consideration, etc., your excellency's most obedient servant,

"WINFIED SCOTT."

The answer to this letter, made on the same day, was especially framed so as to put into disagreeable prominence General Scott's unfortunate expression "unnatural war," and to make it appear that the American General was not only suing for an armistice, but also for peace; and throughout the worse

than fruitless negotiations that followed, that idea was carefully put forward, and the Americans humbugged into admitting it so to appear in history, that the Mexicans did not seek the armistice, and that all overtures came from their enemy. This was claimed as a necessity to shield Santa Anna against the strong opposition to peace and prevent his entire loss of power among his people at the critical period, when, through him, a peace could be effected. Peace, it was claimed, was his secret object. And so this matter went into history, when it was wholly false. General Scott, as a Christian man, desired the war to cease, and as a soldier and politician he also had sufficient motives for the same desire, but the overtures came from Santa Anna for the armistice. First, through the underhanded insincerity of the "intelligent neutral," and then directly; and the matter of negotiating for peace was merely meant to satisfy Scott, and was a pretense without foundation in truth from the outset. Santa Anna had but one object in view and that was to gain time to reorganize his army and prepare for resistance, and at the same time, was so cunning as to make it all appear at the expense of the American General. In this perfidious scoundrel, Scott still had confidence, and for it, the battles before the City of Mexico had to be fought over again, and hundreds of his little army, his own countrymen, whom he was bound to consider before himself, before everything else, were to be sacrificed. There is no doubt, however, that he did consider the consequences both far and near. His

judgment was at fault, certainly not his motives and feelings. Yet there is no consolation, and little apology in the fact that a misfortune or an error originates in a defective judgment. General Scott himself wrote:—

“After so many victories, we might, with but little additional loss, have occupied the capital the same evening. But Mr. Trist, commissioner, etc., as well as myself, had been admonished by the best friends of peace, intelligent neutrals, and some American residents, against precipitation, lest by wantonly driving away the government and others, dishonored, we might scatter the elements of peace, excite a spirit of national desperation, and thus indefinitely postpone the hope of accommodation. Deeply impressed with this danger, and remembering our mission, to conquer a peace, the army very cheerfully sacrificed to patriotism, to the great wish and want of our country, the *éclat* that would have followed an entrance, sword in hand, into a great capital. Willing to leave something to this republic, of no immediate value to us, on which to rest her pride, and to recover temper, I halted our victorious corps at the gates of the city (at least for a time), and have them now cantoned in the neighboring villages, where they are well sheltered and supplied with all necessities.”

The following letter, first published by Raphael Semmes, from Santa Anna, will sufficiently show his aims and character, were anything out of the ordinary events and ways of his life necessary for that purpose:—

“MEXICO, August 31, 1847.

“TO DON MANUEL REJON, QUERETARO:—

“MY ESTEEMED FRIEND,—I have received your gratifying favor of the 29th inst., and in reply, I have to say



to you, that I have read with the most bitter regret the charges you have made against the government for the course it has pursued since the unfortunate affairs of arms of the 19th and 20th inst. After the defeat sustained by General Valencia at Padierna, I was under the necessity of falling back upon the last line of fortification of the capital; first having encountered all the enemy's force, at the Puente de Churubusco. On the day after this affair, when I was preparing to renew the combat, the enemy solicited an armistice, in order that the commissioner of the United States, Mr. Trist, might be heard, which I granted; because the suspension of hostilities would give my troops rest, re-establish their *morale*, and enable me to collect the dispersed, and adopt other measures to insure a reaction. I wished, besides, to strengthen the justice of our cause, by listening to the propositions of the United States; because, to speak frankly, our obstinacy in refusing to receive these overtures from the United States, placed them in the right in continuing the war. The negotiations have commenced, but I assure you, in the name of a true Mexican, which I have the honor to bear, that my government will not accept any propositions of peace, which shall detract from the dignity of the nation. If our honor can not be saved, the war continues, and shall continue with obstinacy and energy, until the United States recognize the justice of our cause, and make reparation for the insults they have offered us. This is my purpose; so you may at once set yourself at rest, and continue your efforts to keep public opinion in the proper channel, and to encourage all good Mexicans to co-operate with loyalty and confidence, in the defense of the common cause.

“ANTONIO LOPEZ DE SANTA ANNA.”

In arranging the articles of the armistice it was clearly apparent that the Mexicans only meant to

gain time, and that they were preparing for renewing hostilities. Through the solicitation of Generals Worth and Pillow, especially the latter, General Scott was induced to ask, in the arrangement for an armistice, that the castle and rock or hill of Chapultepec should be evacuated by the Mexican troops, the only fortified place held by them on the approaches to the city. This the commissioners refused to do under the plea that it was a humiliation which would cause suspicion to be cast upon their purposes by the people. Scott submitted, and learned to his cost, after a time, the object they had in view in holding Chapultepec. On the 25th of August Mr. Trist began negotiations. He had brought a complete outline of treaty from Washington. This fixed the boundary at the Rio Grande, and included New Mexico and Upper and Lower California, the latter territories to be paid for at a rate to be fixed by the commissioners. There was very little in the Administration formula that the Mexicans were willing to accept, and as to Texas, they still held to the Nueces as the boundary. Mr. Trist certainly knew that the United States, after all the war, would never submit to the Nueces as the southwestern boundary of Texas, yet he offered to continue the armistice forty-five days until he could submit the proposition to the Administration. The Mexicans refused to wait. They would be ready to fight long before that time. The negotiations continued with less and less prospect of success, until the 6th of September, when Mr. Trist broke off any

further attempts, and on the following day General Scott began to prepare to move upon the city. The armistice had lasted seventeen days, and in that time, although no reconnoissances had been made, and no additional knowledge of the country had been obtained by the Americans, they had not been idle. The army with all its appliances had been put in the best possible condition for active operations.

On the 7th various reconnoissances were made, and General Scott issued an order for a movement upon the city. The only obstruction of consequence to the advance of the army seemed to be the strong position of Chapultepec, and it did not at all appear necessary to storm that more than it did El Peñon or Churubusco. A thousand yards or so from Chapultepec stood an old stone building four or five hundred yards long, and most formidably built, called Molino del Rey (Mill of the King). Four or five hundred yards from this was another long and strongly constructed stone building called Casa de Mata, and all connected with the inclosure of the grounds of Chapultepec. On the 7th many Mexicans were seen working about Molino del Rey, and before the close of that day Santa Anna had thrown an army of ten thousand men into and around it. Yet General Scott believed this was an iron foundry, and with all that Worth could do, he could not induce him to believe anything else, or to entertain the idea that a battle would have to be fought for its possession. He said Worth must brush them away, and then they would move on to

take the city. And with a view to doing nothing more there, Worth was forbidden to occupy the grove between Molino del Rey and Chapultepec, as a preparatory step to the assault of that place after the Molino had fallen into his hands. Before daylight on the morning of the 8th of September Worth who was at Tacubaya, only a mile distant, moved to execute the order which he believed would lead to a great battle. Worth marched against Molino del Rey with about thirty-five hundred men, and before the break of day began the assault. He soon found that he had not been mistaken as to the task he had before him. When the morning broke Scott saw from his position near Tacubaya that he had been deceived, and sent for Pillow to move with part of his division to the assistance of Worth. His messenger found this spirited and wide-awake general had anticipated the order, and was already rapidly moving toward the scene of conflict from his post at San Borja. But when Pillow came on the ground the battle was over. Worth had without assistance fought and gained the most bloody battle of the war. The war spirit of the old soldier was up, and he was in a humor to disobey the orders of the General-in-chief. He, accordingly, notified Pillow to take a position with a view to assaulting Chapultepec, while the Mexicans were fleeing and the Americans were in the tide of victory, the very time, indeed, when it should have been done, but Pillow refused to obey his order when he knew it to conflict with that of the commander-in-chief.



Worth then sent Cadwallader to Scott to get his permission to occupy the Chapultepec grove as he had requested to do before the battle, but Scott objected, and ordered an immediate retreat to the positions formerly occupied by the troops. This order Worth did not obey until he had gathered up all his dead and wounded, secured the prisoners, and munitions of war possible, of which there was a large quantity within the walls of Casa Mata. Nearly eight hundred of Worth's men were killed or wounded in this desperate engagement. Fifty-nine of them were officers, many of whom had distinguished themselves before. But little had been gained. It is true that between one and two thousand of the enemy had fallen on the field, a vast number had subsequently deserted on account of the battle, and nearly a thousand were captured, but the strange mistake was made by General Scott (against the judgment of Worth, who was undoubtedly right in his opinion) of giving up the ground, the strong position, obtained at such a cost, and of losing the opportunity of making a lodgment against Chapultepec, if not its immediate capture, and the capture of the city.

The 8th, 9th, 10th, and 11th were spent in reconnoissances, and in removing the main depot of the army. In this time the American advance was pushed forward to La Piedad, and from this point it was believed by many of the officers that the southern entrances to the city could be reached. Indeed this was certain until the 10th, when the Mexican lines

were fortified and the whole intervening region flooded from the aqueduct and irrigating ditches. Twelve thousand Mexicans had been allowed to work for three days, undisturbed, in full sight of the American army, when it was well known that every lick they made rendered the approach to the city more difficult.

On the 11th Scott called a council of all the chief officers, omitting Worth, and laid his plans before them, and asked their opinions. In this council it became very evident that Scott had, after all, concluded that Chapultepec would have to be taken. The delay after the great battle of the 8th, and the utter absence of any effort to turn it to any advantage, had much broken the spirit of the troops, and dissatisfaction among the officers was apparent. However, in the excitement and activity that followed, the annoyances of the moment were lost sight of. General Scott gave his orders for the taking of Chapultepec, and much of the night of the 11th was spent in placing batteries and taking positions for the coming conflict, which would decide the fate of the small army before Mexico. Chapultepec was the name given to a considerable inclosure of land within two miles of the City of Mexico. It was mainly surrounded by high irregular walls of masonry, not proof against heavy guns.

Through and around it ran several ditches. A small cultivated field or two lay within it; much of the land was soft and marshy; and an old cypress grove stood in it towards Molino del Rey. Within

the inclosure was the Mexican Military School, in a strong stone building now well fortified. But the most important object was a hill rising a hundred and fifty feet above the marsh level, with its sides mainly almost impassably steep and rocky. On the summit of this rock was a castle of irregular form but considerable military pretensions. This was the rock and castle of Chapultepec, which was now considered by General Scott the key to the Capital of Mexico.

## CHAPTER XXI.

WAR WITH MEXICO—CAPTURE OF CHAPULTEPEC—THE  
CITY OF MEXICO IN THE HANDS OF THE INVA-  
DERS — GENERAL SCOTT'S REPORT —  
SANTA ANNA WHIPPED AND  
DRIVEN INTO RETIRE-  
MENT.

ON the night of the 11th four batteries were placed in favorable positions, and early on the morning of the 12th these opened on Chapultepec. Molino del Rey was also reoccupied by the Americans, Santa Anna strangely enough, having entirely neglected it after the defeat of his army there on the 8th. This day was mainly spent in cannonading the fortified hill, but little was accomplished by it, more than to show that it would have to be stormed. During the night storming parties were formed and scaling ladders prepared for the purpose.

By noon on the 13th, after one of the most wonderful battles on record, the stars and stripes waved from the Castle of Chapultepec. A running battle on the causeways and before the walls of the city then ensued until night closed upon the dreadful scene, with Quitman before the Citadel at the gate of Belen, and Worth actually within the city at the San Cosme gate a few squares from the great plaza.



Before midnight Santa Anna with his army quietly withdrew from the city, and at one o'clock the city council sent to General Scott to notify him that the way was open into the great city, and asking some privileges which he refused to grant. On the morning of the 14th Quitman took possession of the Citadel, and moved on to the Plaza, where he hoisted the flag of the United States on the president's house and the public building. Before leaving the capital Santa Anna had caused all the prisoners of every kind to be set loose. The American army suffered from this criminal horde for several days, and only after the severest discipline had been established, and some of the houses giving shelter to these cut-throats had been battered down and other steps taken to bring the city to order and safety, was there any relief.

The following is General Scott's report to the Secretary of War touching most important general points since the army entered the valley of the great city:—

“HEAD-QUARTERS OF THE ARMY, }  
“National Palace of Mexico, Sept. 18, 1847. }

“SIR,—At the end of another series of arduous and brilliant operations of more than forty-eight hours' continuance, this glorious army hoisted, on the morning of the 14th, the colors of the United States on the walls of this palace.

“The victory of the 8th, at the Molino del Rey, was followed by daring reconnoissances on the part of our distinguished engineers—Captain Lee, Lieutenants Beauregard, Stevens, and Tower—Major Smith, senior, being sick, and Captain Mason, third in rank, wounded. Their operations were directed principally to the south—towards the gates of the Piedad,

San Angel (Nino Perdido), San Antonio, and the Paseo de la Viga.

"This city stands on a slight swell of ground, near the center of an irregular basin, and is girdled with a ditch in its greater extent—a navigable canal of great breadth and depth—very difficult to bridge in the presence of an enemy, and serving at once for drainage, custom-house purposes, and military defense; leaving eight entrances or gates, over arches, each of which we found defended by a system of strong works, that seemed to require nothing but some men and guns to be impregnable.

"Outside and within the cross-fires of those gates, we found to the south other obstacles but little less formidable. All the approaches near the city are over elevated causeways, cut in many places (to oppose us), and flanked on both sides by ditches, also of unusual dimensions. The numerous cross-roads are flanked in like manner, having bridges at the intersections, recently broken. The meadows thus checkered are, moreover, in many spots, under water or marshy; for, it will be remembered, we were in the midst of the wet season, though with less rain than usual, and we could not wait for the fall of the neighboring lakes and the consequent drainage of the wet grounds at the edge of the city—the lowest in the whole basin.

"After a close personal survey of the southern gates, covered by Pillow's division and Riley's brigade of Twiggs's—with four times our numbers concentrated in our immediate front—I determined on the 11th to avoid that net-work of obstacles, and to seek, by a sudden diversion, to the southwest and west, less unfavorable approaches.

"To economize the lives of our gallant officers and men, as well as to insure success, it became indispensable that this resolution should be long masked from the enemy; and again, that the new movement, when discovered, should be mistaken for a feint, and the old as indicating our true and ultimate point of attack.

"Accordingly, on the spot, the 11th, I ordered Quitman's division from Coyacan, to join Pillow by daylight, before the southern gates, and then that the two major-generals, with their divisions, should, by night, proceed (two miles) to join me at

Tacubaya, where I was quartered with Worth's division. Twiggs, with Riley's brigade and Captains Taylor's and Steptoe's field batteries—the latter of twelve-pounders—was left in front of those gates, to maneuver, to threaten, or to make false attacks, in order to occupy and deceive the enemy. Twiggs's other brigade (Smith's) was left at supporting distance, in the rear, at San Angel, till the morning of the 13th, and also to support our general depot at Miscoac. The stratagem against the south was admirably executed throughout the 12th and down to the afternoon of the 13th, when it was too late for the enemy to recover from the effects of his delusion.

“The first step in the new movement was to carry Chapultepec, a natural and isolated mound, of great elevation, strongly fortified at its base, on its acclivities, and heights. Besides a numerous garrison, here was the military college of the republic, with a large number of sub-lieutenants and other students. Those works were within direct gunshot of the village of Tacubaya, and, until carried, we could not approach the city on the west, without making a circuit too wide and too hazardous.

“In the course of the same night (that of the 11th) heavy batteries, within easy ranges, were established; No. 1, on our right, under the command of Captain Drum, 4th Artillery (relieved late next day, for some hours, by Lieutenant Andrews, of the 3d), and No. 2, commanded by Lieutenant Hagner, ordnance—both supported by Quitman's division. Nos. 3 and 4 on the opposite side, supported by Pillow's division, were commanded, the former by Captain Brooks and Lieutenant S. S. Anderson, 2d Artillery, alternately, and the latter by Lieutenant Stone, ordnance. The batteries were traced by Captain Huger and Captain Lee, engineer, and constructed by them with the able assistance of the young officers of those corps and the artillery.

“To prepare for an assault, it was foreseen that the play of the batteries might run into the second day; but recent captures had not only trebled our siege pieces, but also our ammunition; and we knew that we should greatly augment both by carrying the place. I was, therefore, in no haste in ordering an assault before the works were well crippled by our missiles.

“The bombardment and cannonade, under the direction of Captain Huger, were commenced early in the morning of the 12th. Before nightfall, which necessarily stopped our batteries, we had perceived that a good impression had been made on the castle and its outworks, and that a large body of the enemy had remained outside, towards the city, from an early hour to avoid our fire, and to be at hand on its cessation, in order to re-enforce the garrison against an assault. The same outside force was discovered the next morning, after our batteries had reopened upon the castle, by which we again reduced its garrison to the minimum needed for the guns.

“Pillow and Quitman had been in position since early in the night of the 11th. Major-General Worth was now ordered to hold his division in reserve, near the foundry, to support Pillow; and Brigadier-General Smith, of Twiggs’s division, had just arrived with his brigade from Piedad (two miles), to support Quitman. Twiggs’s guns, before the southern gates, again reminded us, as the day before, that he, with Riley’s brigade and Taylor’s and Steptoe’s batteries, was in activity, threatening the southern gates, and there holding a great part of the Mexican army on the defensive.

“Worth’s division furnished Pillow’s attack with an assaulting party of some two hundred and fifty volunteer officers and men, under Captain McKenzie, of the 2d Artillery; and Twiggs’s division supplied a similar one, commanded by Captain Casey, 2d Infantry, to Quitman. Each of those little columns was furnished with scaling ladders.

“The signal I had appointed for the attack was the momentary cessation of fire on the part of our heavy batteries. About 8 o’clock in the morning of the 13th, judging that the time had arrived by the effect of the missiles we had thrown, I sent an aid-de-camp to Pillow, and another to Quitman, with notice that the concerted signal was about to be given. Both columns now advanced with an alacrity that gave assurance of prompt success. The batteries, seizing opportunities, threw shots and shells upon the enemy over the heads of our men, with good effect, particularly at every attempt to re-enforce the works from without to meet our assault.

“Major-General Pillow’s approach, on the west side, lay



through an open grove, filled with sharp-shooters, who were speedily dislodged; when being up with the front of the attack, and emerging into open space, at the foot of a rocky acclivity, that gallant leader was struck down by an agonizing wound. The immediate command devolved on Brigadier-General Cadwallader, in the absence of the senior brigadier (Pierce) of the same division—an invalid since the events of August 19th. On a previous call of Pillow, Worth had just sent him a re-enforcement—Colonel Clarke's brigade.

“The broken acclivity was still to be ascended, and a strong redoubt, midway, to be carried, before reaching the castle on the heights. The advance of our brave men, led by brave officers, though necessarily slow, was unwavering, over rocks, chasms, and mines, and under the hottest fire of cannon and musketry. The redoubt now yielded to resistless valor, and the shouts that followed announced to the castle the fate that impended. The enemy were steadily driven from shelter to shelter. The retreat allowed not time to fire a single mine, without the certainty of blowing up friend and foe. Those who at a distance attempted to apply matches to the long trains, were shot down by our men. There was death below, as well as above ground. At length the ditch and wall of the main work were reached; the scaling ladders were brought up and planted by the storming parties; some of the daring spirits first in the assault were cast down, killed or wounded; but a lodgment was soon made; streams of heroes followed; all opposition was overcome, and several of our regimental colors flung out from the upper walls, amidst long-continued shouts and cheers, which sent dismay into the capital. No scene could have been more animating or glorious.

“Major-General Quitman, nobly supported by Brigadier-Generals Shields and Smith (P. F.), his other officers and men, was up with the part assigned him. Simultaneously with the movement on the west, he had gallantly approached the south-east of the same works, over a causeway with cuts and batteries, and defended by an army strongly posted outside, to the east of the works. Those formidable obstacles Quitman had to face, with but little shelter for his troops or space for maneuvering. Deep ditches flanking the causeway, made it difficult to cross

on either side into the adjoining meadows, and these again were intersected by other ditches. Smith and his brigade had been early thrown out to make a sweep to the right, in order to present a front against the enemy's line (outside), and to turn two intervening batteries near the foot of Chapultepec. This movement was also intended to support Quitman's storming parties, both on the causeway. The first of these, furnished by Twiggs's division, was commanded in succession by Captain Casey, 2d Infantry, and Captain Paul, 7th Infantry, after Casey had been severely wounded; and the second, originally under the gallant Major Twiggs, marine corps, killed, and then Captain Miller, 2d Pennsylvania Volunteers. The storming party, now commanded by Captain Paul, seconded by Captain Roberts, of the Rifles, Lieutenant Stewart and others of the same regiment, Smith's brigade, carried the two batteries in the road, took some guns, with many prisoners, and drove the enemy posted behind in support. The New York and South Carolina Volunteers (Shields's brigade) and the 2d Pennsylvania Volunteers, all on the left of Quitman's line, together with portions of his storming parties, crossed the meadows in front, under a heavy fire, and entered the outer inclosure of Chapultepec just in time to join in the final assault from the west.

“ Besides Major-Generals Pillow and Quitman, Brigadier-Generals Shields, Smith, and Cadwallader, the following are the officers and corps most distinguished in those brilliant operations: The voltigeur regiment in two detachments, commanded respectively by Colonel Andrews and Lieutenant-Colonel Johnston, the latter mostly in the lead, accompanied by Major Caldwell; Captains Barnard and Biddle, of the same regiment, the former the first to plant a regimental color, and the latter among the first in the assault; the storming party of Worth's division, under Captain McKenzie, 2d Artillery, with Lieutenant Seldon, 8th Infantry, early on the ladder and badly wounded; Lieutenant Armistead, 6th Infantry, the first to leap into the ditch to plant a ladder; Lieutenants Rodgers of the 4th, and J. P. Smith of the 5th Infantry, both mortally wounded; the 9th Infantry, under Colonel Ransom, who was killed while gallantly leading that gallant regiment; the 15th Infantry, under Lieutenant-Colonel Howard and

Major Woods, with Captain Chase, whose company gallantly carried the redoubt, midway up the acclivity; Colonel Clarke's brigade (Worth's division), consisting of the 5th, 8th, and part of the 6th Regiments of Infantry, commanded respectively by Captain Chapman, Major Montgomery, and Lieutenant Edward Johnson, the latter specially noticed; with Lieutenant Longstreet (badly wounded, advancing, colors in hand), Pickett, and Merchant, the last three of the 8th Infantry; portions of the United States marines, New York, South Carolina, and 2d Pennsylvania volunteers, which, delayed with their division (Quitman's) by the hot engagement below, arrived just in time to participate in the assault of the heights; particularly a detachment under Lieutenant Reid, New York volunteers, consisting of a company of the same, with one of marines; and another detachment, a portion of the storming party (Twiggs's division, serving with Quitman), under Lieutenant Steele, 2d Infantry, after the fall of Lieutenant Gantt, 7th Infantry.

"In this connection, it is but just to recall the decisive effect of the heavy batteries, Nos. 1, 2, 3, and 4, commanded by those excellent officers, Captain Drum, 4th Artillery, assisted by Lieutenants Benjamin and Porter, of his own company; Captain Brooks and Lieutenant Anderson, 2d Artillery, assisted by Lieutenant Russell, 4th Infantry, a volunteer; Lieutenants Hagner and Stone of the ordnance, and Lieutenant Andrews, 3d Artillery; the whole superintended by Captain Huger, chief of ordnance with this army, an officer distinguished by every kind of merit. The mountain howitzer battery, under Lieutenant Reno, of the ordnance, deserves, also, to be particularly mentioned. Attached to the voltigeurs, it followed the movements of that regiment, and again won applause.

"In adding to the list of individuals of conspicuous merit, I must limit myself to a few of the many names which might be enumerated: Captain Hooker, assistant adjutant-general, who won special applause, successively, in the staff of Pillow and Cadwallader; Lieutenant Lovell, 4th Artillery (wounded), chief of Quitman's staff; Captain Page, assistant adjutant-general (wounded), and Lieutenant Hammond, 3d Artillery,

both of Shields's staff, and Lieutenant Van Dorn, 7th Infantry, aid-de-camp to Brigadier-General Smith.

“Those operations all occurred on the west, south-east, and heights of Chapultepec. To the north and at the base of the mound, inaccessible on that side, the 11th Infantry, under Lieutenant-Colonel Hebert, the 14th, under Colonel Trousdale, and Captain Magruder's field battery, 1st Artillery, one section advanced under Lieutenant Jackson, all of Pillow's division, had, at the same time, some spirited affairs against superior numbers, driving the enemy from a battery in the road, and capturing a gun. In these, the officers and corps gained merited praise. Colonel Trousdale, the commander, though twice wounded, continued on duty until the heights were carried.

“Early in the morning of the 13th, I repeated the orders of the night before to Major-General Worth, to be with his division at hand, to support the movement of Major-General Pillow from our left. The latter seems soon to have called for that entire division, standing momentarily in reserve, and Worth sent him Colonel Clarke's brigade. The call, if not unnecessary, was at least, from the circumstances, unknown to me at the time; for, soon observing that the very large body of the enemy, in the road in front of Major-General Quitman's right, was receiving re-enforcements from the city, less than a mile and a half to the east, I sent instructions to Worth, on our opposite flank, to turn Chapultepec with his division, and to proceed, cautiously, by the road at its northern base, in order, if not met by very superior numbers, to threaten or to attack, in rear, that body of the enemy. The movement, it was also believed, could not fail to distract and to intimidate the enemy generally.

“Worth promptly advanced with his remaining brigade, Colonel Garland's, Lieutenant-Colonel C. F. Smith's light battalion, Lieutenant-Colonel Duncan's field battery, all of his division, and three squadrons of dragoons, under Major Sumner, which I had just ordered up to join in the movement.

“Having turned the forest on the west, and arriving opposite to the north center of Chapultepec, Worth came up with the troops in the road, under Colonel Trousdale, and



aided by a flank movement of a part of Garland's brigade, in taking the one-gun breastwork, then under the fire of Lieutenant Jackson's section of Captain Magruder's field battery. Continuing to advance, this division passed Chapultepec, attacking the right of the enemy's line, resting on that road, about the moment of the general retreat consequent upon the capture of the formidable castle and its outworks.

"Arriving some minutes later, and mounting to the top of the castle, the whole field, to the east, lay plainly under my view.

"There are two routes from Chapultepec to the capital—the one on the right entering the same gate, Belen, with the road from the south *via* Piedad; and the other obliquing to the left, to intersect the great western or San Cosmo road, in a suburb outside of the gate of San Cosmo.

"Each of these routes (an elevated causeway) presents a double roadway on the sides of an aqueduct of strong masonry and great height, resting on open arches and massive pillars, which together afford fine points both for attack and defense. The sideways of both aqueducts are, moreover, defended by many strong breastworks at the gates, and before reaching them. As we had expected, we found the four tracks unusually dry and solid for the season.

"Worth and Quitman were prompt in pursuing the retreating enemy—the former by the San Cosmo aqueduct, and the latter along that of Belen. Each had now advanced some hundred yards.

"Deeming it all-important to profit by our successes, and the consequent dismay of the enemy, which could not be otherwise than general, I hastened to dispatch from Chapultepec—first Clarke's brigade, and then Cadwallader's, to the support of Worth, and gave orders that the necessary heavy guns should follow. Pierce's brigade was, at the same time, sent to Quitman, and in the course of the afternoon, I caused some additional siege pieces to be added to his train. Then, after designating the 15th Infantry, under Lieutenant-Colonel Howard—Morgan, the colonel, had been disabled by a wound at Churubusco—as the garrison of Chapultepec, and giving directions for the care of the prisoners of war, the captured ordnance,

and ordnance stores, I proceeded to join the advance of Worth, within the suburb, and beyond the turn at the junction of the aqueduct with the great highway from the west to the gate of San Cosmo.

“At this junction of roads, we first passed one of those formidable systems of city defenses, spoken of above, and it had not a gun!—a strong proof, 1. That the enemy had expected us to fail in the attack upon Chapultepec, even if we meant any thing more than a feint; 2. That in either case, we designed, in his belief, to return and double our forces against the southern gates—a delusion kept up by the active demonstrations of Twiggs and the forces posted on that side; and, 3. That advancing rapidly from the reduction of Chapultepec, the enemy had not time to shift guns—our previous captures had left him, comparatively, but few—from the southern gates.

“Within those disgarnished works, I found our troops engaged in a street fight against the enemy posted in gardens, at windows, and on house-tops, all flat, with parapets. Worth ordered forward the mountain howitzers of Cadwallader’s brigade, preceded by skirmishers and pioneers, with pickaxes and crowbars, to force windows and doors, or to burrow through walls. The assailants were soon in an equality of position fatal to the enemy. By eight o’clock in the evening, Worth had carried two batteries in this suburb. According to my instructions, he here posted guards and sentinels, and placed his troops under shelter for the night. There was but one more obstacle—the San Cosmo gate (custom-house), between him and the great square in front of the cathedral and palace, the heart of the city; and that barrier, it was known, could not, by daylight, resist our siege-guns thirty minutes.

“I had gone back to the foot of Chapultepec, the point from which the two aqueducts begin to diverge, some hours earlier, in order to be near that new depot, and in easy communication with Quitman and Twiggs, as well as with Worth.

“From this point I ordered all detachments and stragglers to their respective corps, then in advance; sent to Quitman additional siege-guns, ammunition, intrenching tools; directed Twiggs’s remaining brigade (Riley’s) from Piedad, to support

Worth, and Captain Steptoe's field-battery, also at Piedad, to rejoin Quitman's division.

"I had been, from the first, well aware that the western, or San Cosmo, was the less difficult route to the center, and conquest of the capital, and therefore intended that Quitman should only maneuver and threaten the Belen or south-western gate, in order to favor the main attack by Worth, knowing that the strong defenses at the Belen were directly under the guns of the much stronger fortress, called the Citadel, just within. Both of these defenses of the enemy were also within easy supporting distance from the San Angel (or Nino Perdido) and San Antonio gates. Hence the greater support, in numbers, given to Worth's movement as the main attack.

"These views I repeatedly, in the course of the day, communicated to Major-General Quitman; but being in hot pursuit—gallant himself, and ably supported by Brigadier-Generals Shields and Smith, Shields badly wounded before Chapultepec, and refusing to retire, as well as by all the officers and men of the column—Quitman continued to press forward, under flank and direct fires, carried an intermediate battery of two guns, and then the gate, before two o'clock in the afternoon, but not without proportionate loss, increased by his steady maintenance of that position.

"Here, of the heavy battery (4th Artillery), Captain Drum and Lieutenant Benjamin were mortally wounded, and Lieutenant Porter, its third in rank, slightly. The loss of those two most distinguished officers the army will long mourn. Lieutenants J. B. Morange and William Canty, of the South Carolina Volunteers, also of high merit, fell on the same occasion, besides many of our bravest non-commissioned officers and men, particularly in Captain Drum's veteran company. I can not, in this place, give names or numbers; but full returns of the killed and wounded, of all corps, in their recent operations, will accompany this report.

"Quitman within the city—adding several new defenses to the position he had won, and sheltering his corps as well as practicable—now awaited the return of daylight under the guns of the formidable Citadel yet to be subdued.

"About 4 o'clock next morning (September 14th), a depu-

tation of the *ayuntamiento* (city council) waited upon me to report that the federal government and the army of Mexico had fled from the capital some three hours before; and to demand terms of capitulation in favor of the church, the citizens, and the municipal authorities. I promptly replied, that I would sign no capitulation; that the city had been virtually in our possession from the time of the lodgments effected by Worth and Quitman the day before; that I regretted the silent escape of the Mexican army; that I should levy upon the city a moderate contribution, for special purposes; and that the American army should come under no terms not self-imposed; such only as its own honor, the dignity of the United States, and the spirit of the age, should, in my opinion, imperiously demand and impose.

“For the terms, so imposed, I refer the Department to subsequent General Orders, Nos. 287 and 289 (paragraphs 7, 8, and 9 of the latter), copies of which are herewith inclosed.

“At the termination of the interview with the city deputation, I communicated, about daylight, orders to Worth and Quitman to advance slowly and cautiously (to guard against treachery) towards the heart of the city, and to occupy its stronger and more commanding points. Quitman proceeded to the great plaza or square, planted guards, and hoisted the colors of the United States on the national palace, containing the halls of Congress and executive departments of federal Mexico. In this grateful service, Quitman might have been anticipated by Worth, but for my express orders, halting the latter at the head of the Alameda (a green park), within three squares of that goal of general ambition. The capital, however, was not taken by any one or two corps, but by the talent, the science, the gallantry, the prowess of this entire army. In the glorious conquest, all had contributed, early and powerfully, the killed, the wounded, and the fit for duty, at Vera Cruz, Cerro Gordo, Contreras, San Antonio, Churubusco (three battles), the Molino del Rey, and Chapultepec, as much as those who fought at the gates of Belen and San Cosmo.

“Soon after we had entered, and were in the act of occupying the city, a fire was opened upon us from the flat roofs of the houses, from windows, and corners of streets, by some



two thousand convicts, liberated the night before by the flying government, joined by, perhaps, as many Mexican soldiers, who had disbanded themselves, and thrown off their uniforms. This unlawful war lasted more than twenty-four hours, in spite of the exertions of the municipal authorities, and was not put down till we had lost many men, including several officers, killed and wounded, and had punished the miscreants. Their objects were to gratify national hatred, and in the general alarm and confusion, to plunder the wealthy inhabitants, particularly the deserted houses. But families are now generally returning; business of every kind has been resumed, and the city is already tranquil and cheerful, under the admirable conduct (with exceptions very few and trifling) of our gallant troops.

“This army has been more disgusted than surprised, that by some sinister process on the part of certain individuals at home, its numbers have been, generally, almost trebled in our public papers, beginning at Washington.

“Leaving, as we all feared, inadequate garrisons at Vera Cruz, Perote, and Puebla, with much larger hospitals; and being obliged, most reluctantly, from the same cause (general paucity of numbers) to abandon Jalapa, we marched (August 7-10) from Puebla with only 10,738 rank and file. This number includes the garrison of Jalapa, and the 2,429 men brought up by Brigadier-General Pierce, August 6th.

“At Contreras, Churubusco, etc. [August 20th], we had but 8,497 men engaged, after deducting the garrison of San Augustine (our general depot), the intermediate sick and the dead; at the Molino del Rey (September 8th), but three brigades, with some cavalry and artillery, making in all 3,251 men, were in the battle; in the two days, September 12th and 13th, our whole operating force, after deducting, again, the recent killed, wounded, and sick, together with the garrison of Miscoac (the then general depot) and that of Tacubaya, was but 7,180; and, finally, after deducting the new garrison of Chapultepec, with the killed and wounded of the two days, we took possession (September 14th) of this great capital with less than 6,000 men. And I re-assert, upon accumulated and unquestionable evidence, that, in not one of those

conflicts was this army opposed by fewer than three-and-a-half times its numbers; in several of them, by a yet greater excess.

"I recapitulate our losses since we arrived in the basin of Mexico:—

"AUGUST 19th, 20th. Killed, 137, including 14 officers. Wounded, 877, including 62 officers. Missing (probably killed), 38 rank and file. Total, 1,052.

"SEPTEMBER 8th. Killed, 116, including 9 officers. Wounded, 665, including 49 officers. Missing, 18 rank and file. Total, 789.

"SEPTEMBER 12th, 13th, 14th. Killed, 130, including 10 officers. Wounded, 703, including 68 officers. Missing, 29 rank and file. Total, 862.

"Grand total of losses, 2,703, including 383 officers.

"On the other hand, this small force has beaten on the same occasions in view of their capital, the whole Mexican army, of (at the beginning) thirty-odd thousand men, posted, always, in chosen positions, behind intrenchments, or more formidable defenses of nature and art; killed or wounded, of that number, more than 7,000 officers and men; taken 3,730 prisoners, one-seventh officers, including 13 generals, of whom 3 had been presidents of this republic; captured more than 20 colors and standards, 75 pieces of ordnance, besides 57 wall-pieces, 20,000 small-arms, an immense quantity of shots, shells, powder, etc.

"Of that enemy, once so formidable in numbers, appointments, artillery, etc., twenty-odd thousand have disbanded themselves in despair, leaving, as is known, not more than three fragments, the largest about 2,500, now wandering in different directions, without magazines or a military chest, and living at free quarters upon their own people.

"General Santa Anna, himself a fugitive, is believed to be on the point of resigning the chief magistracy, and escaping to neutral Guatemala. A new President, no doubt, will soon be declared, and the federal Congress is expected to reassemble at Queretaro, one hundred and twenty-five miles north of this, on the Zacatecas road, some time in October. I have seen and given safe conduct through this city to several of its members. The government will find itself without resources; no army, no arsenals, no magazines, and but little revenue,

internal or external. Still, such is the obstinacy, or rather infatuation, of this people, that it is very doubtful whether the new authorities will dare to sue for peace on the terms which in the recent negotiations, were made known by our minister. . . .

"In conclusion, I beg to enumerate, once more, with due commendation and thanks, the distinguished staff officers, general and personal, who, in our last operations in front of the enemy, accompanied me, and communicated orders to every point and through every danger. Lieutenant-Colonel Hitchcock, acting inspector-general; Major Turnbull and Lieutenant Harcastle, topographical engineers; Major Kirby, chief paymaster; Captain Irwin, chief quartermaster; Captain Grayson, chief commissary; Captain H. L. Scott, chief in the adjutant-general's department; Lieutenant Williams, aid-de-camp; Lieutenant Lay, military secretary; and Major J. P. Gaines, Kentucky Cavalry, volunteer aid-de-camp; Captain Lee, engineer, so constantly distinguished, also bore important orders from me (September 13th), until he fainted from a wound and the loss of two nights' sleep at the batteries. Lieutenants Beauregard, Stevens, and Tower, all wounded, were employed with the divisions, and Lieutenants G. W. Smith and G. B. McClellan, with the company of sappers and miners. Those five lieutenants of engineers, like their captain, won the admiration of all about them. The ordnance officers, Captain Huger, Lieutenants Hagner, Stone, and Reno, were highly effective, and distinguished at the several batteries; and I must add that Captain McKinstry, assistant quartermaster, at the close of the operations, executed several important commissions for me as a special volunteer.

"Surgeon-General Lawson, and the medical staff generally, were skillful and untiring, in and out of fire, in ministering to the numerous wounded.

"To illustrate the operations in this basin, I inclose two beautiful drawings, prepared under the directions of Major Turnbull, mostly from actual survey.

"I have the honor to be, sir, with high respect, your most obedient servant,

WINFIELD SCOTT."

"The Hon. WILLIAM L. MARCY, Secretary of War."

It appears from this report that Worth had not yet entered the city on the night of the 13th. But here General Scott had fallen into an error, strange, perhaps, when Worth's report of that day's operations was before him. The fact is that Worth entered the City of Mexico before dark on the night of the 13th, and from his position in the city on the San Antonio road, threw some shells into the neighborhood of the grand plaza, between eight and nine o'clock, and slept with his troops in the houses, from the tops of which they had been fighting.

Santa Anna retired to Guadalupe Hidalgo. From this place, with several thousand troops, he marched to Puebla, with a view of capturing the garrison of five hundred men left there under Colonel Childs. Eighteen hundred sick and wounded had been left at that place. And soon after the army marched for the City of Mexico, Childs had actually been held in a comparative state of siege. Santa Anna appeared at Puebla on the 22d of September, and although he called on Childs to surrender, and made every effort in his power to beat him into submission, the siege was abandoned on the 12th of October, and the Mexican army marched towards Jalapa. With five hundred effective men for one month Childs had held out against a city of seventy-five thousand people, swarms of guerrillas, and an army of four or five thousand men, and then restored his authority in the city. At this time, with twenty-five thousand men, Scott could have conquered and held all of Mexico, and made it a part of the United States. Better

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for Mexico would it be to-day, if he had possessed the means and inclination to do so. In August Major Lally set out from Vera Cruz with a thousand men, and fought his way over the national road to Jalapa; and about the 20th of September, twenty-five hundred troops, under General Joseph Lane, started over the same route to re-enforce Scott. With a view of intercepting him, Santa Anna withdrew from the "City of the Angels." At Huamantla, on the 9th of October, General Lane, united with Major Lally, turned aside to give him battle. But what was this one-legged pretentious soldier, with four or five thousand Mexican guerrillas and robbers, to even this spirited and sagacious North American political general from Indiana? Lane had no doubt as to the result of his meeting with Santa Anna; and in a few minutes the conflict was over, the brave defenders of their own soil dispersed and the greater part of their munitions of war, what little they had, was captured. Mexico was now without a reliable leader, although Santa Anna was undoubtedly her most able soldier, without an army and without money, and worst of all, without harmony and genuine patriotism among her people. Notwithstanding her wretched condition, her soldiers and politicians sought the gratification of their own ambitious schemes. Modern history does not present a more pitiable and melancholy picture of political and social corruption and depravity than was at that time to be found in Mexico. Santa Anna resigned the Presidency, and Pena y Pena, chief of the Supreme Court, became by

law, the chief executive for the time. Don Luis de la Rosa became his minister of internal and foreign affairs, and General Mora, of war and marine. All of these men were favorable to peace, and were of the purest class of Mexican Federalists.

In October, Rosa addressed a letter to Santa Anna taking from him all further command, preferring charges against him, and ordering him to retire to some point to await his trial, having first turned over the army he had, to old Manuel Rincon, or the cavalry officer, Don Juan Alvarez. On the 16th of October Santa Anna left the army, and took up his residence at Tehuacan. The Mexican government was now trying to reorganize its affairs at Quere-taro. Old Bustamente, with evil designs upon the government, was approaching from the west with the most respectable body of soldiers now under organization; Paredes and Almonte were in the north, stirring up the people against any growing disposition for peace; Santa Anna and his partisans were scheming for his advancement or the ruin of the country; the factions were in great ferment, and Congress timid and inactive. By the skill and wisdom of Pena y Pena the moderate party succeeded in electing General Anaya President for the remaining part of the term to January 8, 1848. Pena y Pena had called the governors of the States together to hear their opinions and advise with them, and a better spirit began to prevail. Bustamente was appointed to command the army in order to quiet him. Rosa and Mr. Trist held a correspondence as to

opening negotiations, and Anaya actually appointed commissioners. But things were in a bad condition. Pronunciamientos were the order of the day. Santa Anna sent out his manifesto. War was still the cry among men who would be ruined by peace. Death to the Yankee was yet everywhere heard.

## CHAPTER XXII.

THE ARMY IN MEXICO—THE GREEN-EYED MONSTER—  
BEGINNING OF THE END—THE GENERAL OF THE  
ARMY ON TRIAL.—AN EXTRAORDINARY  
SPECTACLE—THE NAVY.

LOOK now for a moment, comparatively, at affairs in the American army and in Washington City. For a considerable time the army had been cut from all communication with Vera Cruz, and hence with the Government, and not until the 13th of October was it certainly known in the City of Mexico that reinforcements were on the way. General Scott had been without the means to keep open the National Road to Vera Cruz, and soon after establishing his hospital and garrison at Perote, and reaching Puebla with his army, he made no attempt to communicate with the Administration. Little was known in the United States of the great battles in the valley of Mexico, except from Mexican sources, until after General Lane opened the way to the Gulf. After taking possession of the Mexican capital, Scott's first attention was devoted to the interests of his small army, now reduced to between six and seven thousand effective men. A part of them was located at Chapultepec, and the others quartered in the city. General Quitman first, and subsequently Persifer F.



Smith acted as governor of the place, and with no great amount of annoyance the Americans, this handful of "fierce North Americans," held the wonderful old city of 200,000 people in subjection. But Scott's rule in Mexico was mild, indeed, for a time. So conciliatory were his tendencies that Generals Rincon and Anaya, two of his prisoners, were set at liberty without parole. They were both members of the Mexican Congress, and Scott was very anxious to have that body reorganized. It was quite evident now that his great desire was to make peace. But one of his first matters of concern was to look after his own interest in arranging the reports of his recent important operations. This proved to be a serious affair. When he came to examine the reports of his division and other commanders there appeared some vast differences between them, and to his own views some of these differences proved to be wholly irreconcilable. The General was now laboring under the impression that his division commanders wanted to rob him of the honors of the campaign, which he thought should belong to him mainly. Pillow's report virtually left him out of the achievements of the 13th of September. Some points in the report Pillow modified to suit him, contrary to his own judgment, but Scott closed with him in an unfriendly manner, and finally had him arrested. He also quarreled with Quitman, and this officer left for Vera Cruz with the first train when the way was opened. His rupture with Worth became still more vexatious and scandalous. And Twiggs was the only division

commander, who, at the end of one month from the fall of Mexico, was on good terms with the General-in-chief. In the first mails that came with Lane, and subsequently, were letters and newspapers teeming with all kinds of reports of the battles. Several of the letters attracted the attention of General Scott, and one, published in a Tampico paper, brought from him an order to the army which opened the whole scandal in a most unfortunate manner. This letter was so much to the benefit of Worth and Pillow that he deemed it due to himself to issue this order in an unmanly and trifling spirit, to prevent letter-writing for publication from the army descriptive of its operations. This General Order, No. 349, is one of the most objectionable and ungracious of all the public and official papers it has been my disagreeable task to examine. It so unmistakably referred to Worth and Pillow as the instigators of the objectionable letter, that they both immediately sent letters to Scott demanding explanations. But he gave no definite replies. This brought out Colonel James Duncan, one of the most worthy and able officers in the army, and the author of the Tampico letter. He simply stated that he had written the letter to a friend without thought or design of publication, and that General Worth or no other person had anything to do with bringing it into existence, that he was alone responsible for it. This caused his immediate arrest. On the 16th of November Worth wrote a letter to the Secretary of War, accusing General Scott of conduct "unbecoming an officer and a gentleman." Also

accusing him of falsehood, and setting forth the grounds of charges he would formally make against him. This letter had to pass through the hands of General Scott, and this and other things at last led to the arrest of Worth. It may now be, to some extent, apparent why Worth was absent from many councils of officers in the Valley of Mexico, and in the last one at Puebla in August, 1847. The fact has not been mentioned, however, that the quarrel between Worth and General Scott began soon after the latter reached Puebla. The terms on which Worth had taken possession of that city did not please Scott, although he had copied after Scott's own course at Vera Cruz. A discussion of this matter destroyed their friendly relations, which were never afterwards restored. On the arrival of Scott at Puebla Worth had received him with great consideration, and made a banquet in his honor. But General Scott never could stand Worth's deserved promotion. He was hardly able to stand the advancement of any officer who had served under him. These soldiers had been fast friends. Henceforth they were enemies. In Scott's army there was no great amount of Presidential material, but there was too much talent for a chief who could not forget that the course of events in Mexico would greatly influence his own probabilities in that direction. Worth was one of the most able of all the American generals, and in this great campaign his soldierly judgment on several occasions shone above that of the General-in-chief.

Twiggs, Pillow, and Quitman were able as soldiers,

and men of fine talents otherwise. Pierce, Shields, Riley, Cadwallader, and Smith were brave and talented men. A score or more of younger men as Duncan, Garland, Wm. S. Harney, Clarke, and Trousdale, were unquestionably able, as were Lieutenant-Colonel Martin Scott, Colonel Butler, Lieutenant-Colonel M'Intosh, Lieutenant-Colonel Graham, Colonel Ransom, and other noble fellows, who fell before Mexico; as well as many engineers, as Robert E. Lee, J. L. Mason, Brooks, Towers, Drum, Beauregard, and a host of splendid younger officers, as Hooker, Kearney, Mackenzie, Grant, Magruder, and Heintzelman. An army officered by such men might well be invincible, while the authority no less than the laurels of the commanding general would at any time be in jeopardy.

The disgraceful Mexicanized condition of the army left it without the necessary general officers. But this state of affairs was not destined to continue long. Besides the troops under General Lane, already mentioned, on the 1st of November General Robert Patterson left Vera Cruz for the City of Mexico with three thousand men; soon afterwards General Wm. O. Butler with over five thousand troops followed over the same road to Mexico; and by the 20th of December, the army under General Scott had been increased to fifteen thousand men, besides the line of posts on the national road to Vera Cruz. While all these things were taking place in Mexico, the Administration at Washington was not idle, was much of the time in a great ferment, indeed. Mr.



Trist had been recalled in the first mails to the City of Mexico, and when his report of his course in the negotiations during the seventeen days' armistice, reached Washington it threw the President and his Cabinet into a great fit of indignation. His recall was repeated, and it was peremptorily stated that if he had made a treaty, he could bring it with him, and if he were in the midst of negotiations he must break them off and start home at once, not even carry a proposition with him. General Scott was authorized to receive what the Mexicans had to propose and forward it to Washington. Scott was also directed to pursue hostilities, and very pointedly notified to levy on the country for the support of his army. To some extent he had done this at all times, and soon after entering the City of Mexico he had levied on the wealthy for \$150,000 for the immediate wants of his army. On this subject the Secretary of War (Mr. Mason acting at the time) wrote to Scott :—

“The obstinate persistence of the Mexicans in refusing to treat, their utter disregard of the rules of civilized warfare, and the large expenditures which we are compelled to make, has impressed on the President the firm conviction that those rights of exacting contributions from the enemy, which are conferred on a belligerent by the acknowledged law of nations, should be exercised. Your remarks in your dispatch, No. 28, dated at Jalapa, May 20, 1847, have been carefully observed. Your circumstances are since materially changed ; and if, as we doubt not, you have triumphantly entered the City of Mexico, the President directs me again to call your attention to the

dispatch to this Department of the 3d of April last, a copy of which is here inclosed. The property-holders of Mexico have no claim to find in the market afforded by sales to our army, an actual pecuniary benefit resulting from the war. They must be made to feel its evils, and it is earnestly hoped and expected that you will not find, in your present circumstances, a necessity to adhere to your opinion, expressed in your dispatch referred to, that a resort to forced contributions will exasperate and ruin the inhabitants, and starve the army. Contributions may be exacted from cities, or States, or wealthy individuals, and payment made for provisions and other supplies brought to the camp, or collected in kind. It is not improbable that men of wealth and means may profess to belong mainly to the peace party; and it may be apprehended that they will be driven from their pacific position by coercive proceedings. But however such an effect may be apprehended, it is more probable that their exertions to promote a termination of the war will be made more serious and efficient when they feel the oppressive evils of the state of war."

Mr. Marcy subsequently positively repeated the same instructions. And these the General proceeded to carry out as fast as he deemed it practicable. But as to continuing hostilities, although Scott took some preliminary steps toward gaining possession of various valuable points in the country, such as notifying the Secretary of War that he had the movements in contemplation, he really did very little. And Mr. Trist absolutely refused to leave Mexico, although General Scott had written to the Secretary of War that about the 1st of December he should be sent down to Vera Cruz with the next train. But instead of Nicholas

P. Trist there went a letter from him praising himself, and praising General Scott, in a most wonderful manner abusing Pillow, and his correspondence assumed the air of a man who had made up his mind to do as he pleased. Mr. Trist had no notion of obeying the command of the President. How far General Scott was concerned in his conduct it is hardly necessary to discuss here. Scott believed the time to make a favorable treaty was at hand, and caring little himself for anybody's command or authority, his example, at least, was before Mr. Trist. As during a great part of this wonderful campaign the Administration had been necessarily cut off from communicating with the head of the army and the peace commissioner, so now for other reasons it was kept in ignorance of what Mr. Trist was doing, and General Scott's letters to the Secretary of War became somewhat silent or vague on the subject, the General dwelling more on his own difficulties, the usual hindrances among great military chiefs for inactivity. One source of his complaints at this time was the character of many of the new recruits that were flowing into Mexico. They broke up the discipline of the army, and enough of them were of such evil morals as to infect the whole. It is true that a large proportion of both officers and privates were adventurers; in other words, were out on a grand frolic. It was then believed that the Mexicans were in no way a match for the Americans on the field, and that but little else than honor, "glory," and spoils awaited the invincible invader. From the

outset it was the field of compensation and "glory," for politicians and party followers, both great and small, in the army and in all the contract and supply departments, and now when the hard work had been done a fresh, vigorous lot of these ambitious and patriotic people rushed upon the scene, carrying swords and wearing epaulets, many of them, but their greatest qualifications were their valorous deeds in the wars of the ballot-boxes. Yet it was ridiculous to talk of immorality being brought by any noticeable number of these men from their homes to infect the army in Mexico, a country in which morality in church, State, or society was hardly known, and into a life which has been commonly understood throughout all time to be a school of loose, unreliable, and unfortunate habits. Great armies and great wars have never reflected back upon the homes of the people high moral standards, nor filled private and individual life with pure and ennobling virtues. Society, at its best, is found in its more limited and cautious forms in the home, and in the lone individual struggle for the supremacy of true principles and wise uses. In the mass, the individual goes down with his independent, self-imposed, manly, and honorable principles, virtues for which he would suffer at the stake, and become an example to his race. In the army absolute obedience is the greatest virtue. So in general society the restraints and promptings of individual principle and conscience give way before the necessities of mere animal congenialities and custom. This fact it was that led Emerson to cry, with



justice, "Down with the masses and up with individual men."

At this time Mexico was more than ever in her piratic history infested with plunderers, robbers, and cut-throats. Her Congress had given open license to a guerrilla warfare, which soon degenerated into the most degrading and insufferable system of rapine and anarchy. Man and beast stood at the peril of life everywhere. Nothing was safe or sacred but the shrines of a formal religion; and even in the name of these outrage was sanctioned. Three thousand criminals at one time had been turned loose upon the City of Mexico, and the prison doors generally stood open throughout the land. These people and the native leperos flooded the country. Many of the most notorious of the guerrilla bands were led by priests. One of these scoundrels, actually called "Father" Jaranta, applied to General Patterson, when that general was passing up the national road, to know if he would be left undisturbed if he should quit his present profession and return to his flock, but finding that Patterson could not definitely vouch for his safety, he again took the head of his robber band to become more a terror to the country than ever before. The government of the City of Mexico under the direction of General Scott was not such as to strike even Mexicans with the superior virtue of the North American. The various hells of this immoral old city were the constant resort of the soldiers, and a great revenue, even from the gaming-tables (with a license of a thousand dollars a month), was

brought to the support of the army. The inactive policy of the army contrary to or in disobedience of orders from a most spirited and wise War Department, fed the corruption of rust. A newspaper and printing-office that followed the army head-quarters and was allowed most unjustly and unwisely by General Scott to join in the official quarrels, on the side of the General, did its part in demoralizing the army and leading to the very things of which he complained to Mr. Marcy. Contemplate this moderate picture, and find, if you can, order, harmony, and right only on the American side; and anarchy, corruption, and evil only on the side of the Mexicans.

A part of the army was now occupied in collecting the duties and taxes imposed upon the Mexicans, in occupying some towns, and in expeditions against the guerrillas. Mr. Trist was engaged in negotiating by the authority of General Scott and contrary to the command of his Government, and as a matter of course the Mexican army about Queretaro was left undisturbed. General Lane made an attempt to capture Santa Anna, and although he failed, of his own accord Santa Anna left the country in February, 1848. Everybody seemed glad to get rid of him, and with his disappearance faction began to die out. The guerrillas began to be less active and troublesome. Late in February General Lane, a dashing new officer, a kind of Francis Marion or Kilpatrick, made an expedition with a few hundred men to the mountain town of Sequalteplan for the purpose of meeting "Father" Jaranta, who was trying to make his last

days worse than his first. The guerrilla determined to risk a battle. But it was the same old story. The old padre was badly whipped, and disappeared from notice. The war was, indeed, at an end. A few things only are left to be told here, when the scene may as well be shifted to Washington City.

Between the 1st of December and the 1st of March a great many pronunciamientos were issued in Mexico. The political and military humbugs gave up the struggle slowly. But the administration had fortunately fallen into the wisest and best hands, and as it pushed its policy with great skill, resistance gave way. The course of the administration was wisest and best, notwithstanding it submitted to the boundary of the Rio Grande, and allowed New Mexico and California to be cut from the domain of the republic. All this and more would have been cut off had the war continued, besides the loss of life, destruction of the country, if not the total dissolution and ruin of the Mexican government. Anaya's short administration had terminated by limitation on the 8th of January, 1848, having continued the policy begun by Pena y Pena; and his successor not yet being chosen, Pena y Pena, as Chief Justice, again took charge of affairs, with Anaya himself as Minister of War. During the armistice that followed the signature of the treaty, Herrera, who had been forced to resign at the beginning of the war, was re-elected President. The armistice went into effect on the 5th of February.

On the second day of February, 1848, General Scott dispatched a letter to the Secretary of War which contained these words:—

“ I write in haste, by the express who carries the project of a treaty that Mr. Trist has, at the moment, signed with the Mexican commissioners. In about forty days I may receive an acknowledgment of this report. By that time, if the treaty be not accepted, I hope to be sufficiently re-enforced to open the commercial line between Zacatecas and Tampico.”

But General Scott's connection with the army in Mexico was destined to terminate before that time. His conduct had been aggravating to the Administration at times from the outset; then were added his final disobedience as to Mr. Trist, and the scandalous state of his affairs in the army, with Worth, Pillow, and Duncan under arrest, Quitman driven out of the country, and the last of his old division commanders, Twiggs, at his own request, to get out of the “fuss and feathers,” made governor of Vera Cruz. General Scott desired to be President of the United States, and notwithstanding his effort and wish to have everything make to his advantage, he was not, by any means, a politic man. Few aspiring public men had less of this quality really. The least thing offended him; his feelings and honor were always in jeopardy; the sense of his station was always in his way; he allowed no unbecoming advances upon the General of the army; and when he considered his dignity or right infringed upon he would resist, no matter what the consequences; and



when his sentiments and whims were at stake he seemed neither to care for anybody, nor indeed, the security of his own present or future position. While it is unnecessary at this remote day to advance the idea that Scott had no part in the disobedience of Mr. Trist and the course pursued by him, it may be said here that one certain and great cause of the conduct of both of these men was the fact that while Mr. Polk and his Cabinet required propositions from Mexico to be sent to Washington, the Mexican government would not submit to anything of the kind. They would only negotiate on the ground, and in their own country. This principle they had gone on from the first, and no other had been successful with them. In it Scott had humored them. Then it required a month and a half for a messenger to go to Washington and return. Scott could see that the time had come to make peace with Mexico, and that it must be done then. The Mexican authorities were disposed to treat with Mr. Trist, although they knew he had been recalled. And General Scott knew that the treaty made by them would be binding so far as Mexico was concerned. He believed the case required immediate action; and when he and Mr. Trist had determined to disobey the President, but two ways were left to him. One was to notify the Administration boldly that such action had been determined upon, and the other was to proceed quietly to carry out the purpose without such notice. The latter course was chosen, and it is now immaterial to decide between

them. The result reached was satisfactory, and there the matter may rest so far as General Scott was concerned.

On the 13th of January, 1848, the Secretary of War wrote to General Scott:—

“SIR,—In view of the present state of things in the army under your immediate command, and in compliance with the assurance contained in my reply to your letter of the 4th of June, wherein you ask to be recalled, the President has determined to relieve you from further duty as commanding general in Mexico.

“Desirous to secure a full examination into all the matters embraced in the several charges which you have presented against Major-General Pillow and Brevet-Lieutenant-Colonel Duncan, as well as the charges or grounds of complaint presented against you by Brevet-Major-General Worth, and deeming your presence before the court of inquiry which has been organized to investigate these matters, indispensably necessary for this purpose, you are directed by the President to attend the said court of inquiry wherever it may hold its sittings.”

On the 18th of February, 1848, General William O. Butler, a brave soldier, belonging to a race of soldiers, but of limited service, took command of the army. The court for the trial of Scott, Pillow, Duncan, and others, met at Puebla towards the close of February. About the middle of March it adjourned to the City of Mexico.

Worth soon afterwards withdrew his charges against Scott, and the latter concluded to withdraw his against all concerned. The offer was accepted by all but Pillow, who determined that his should

go on. This trial, founded on the distribution of the honors of Chapultepec, and which never could have brought good to anybody, was continued for some time in the City of Mexico, and subsequently at various cities in the United States, until July, 1849, when it ended in the acquittal of Pillow.

The war with Mexico afforded little opportunity for naval adventure, and hence little need be said of that branch of the national power. When war was declared Commodore David Conner was ordered to blockade the Mexican ports on the Gulf, and otherwise further the cause of his country as opportunity afforded. The Mexicans had no navy, and little fell in the way of Conner's squadron during the summer of 1846. He made an attempt to capture Alvarado early in August, but failed for want of light-draught vessels. During the same month he planned the capture of Tuspan, but here again failed with the loss of the brig, *Truxton*, which was grounded on the bar and abandoned. A part of the crew was compelled to surrender to the Mexicans, and the *Truxton's* guns were immediately turned to advantage by the Mexicans in constructing the defenses of their town. Expeditions, with considerable success, were made by Conner's direction against Tabasco and Yucatan, and other parts of the coast, but few of these operations had any material effect on the country or the war, further than was connected with the effectual blockading of the coast. Early in December the brig, *Somers*, commanded by Lieutenant Raphael Semmes, was caught in a fierce

"norther" while in pursuit of a blockade-runner, and was sunk, taking down with her about half of her crew of eighty men. This vessel had acquired an unenviable reputation as being that on which Commander A. S. Mackenzie had hanged young Spencer and two of his companions in 1842. On the 14th of November Commodore Conner took possession of Tampico. Soon after the landing of Scott's army at Vera Cruz, the command of the squadron in the Gulf fell to Commodore Matthew C. Perry, who took a prominent part in the siege and capture of that place. Alvarado and other towns subsequently fell into his hands; and in April, 1847, he took Tuspan, or one of his lieutenants did prematurely. Throughout the remainder of the war, the Commodore made his head-quarters at Vera Cruz, and lost no opportunity to let the Mexicans know that he was ready for any emergency on the coast. The stagnation in this line of the service led to adventures into the country, and detachments from the squadron appeared in the operations of the army on the national road, and a few of the more fortunate among the officers participated with Scott's army in the great campaign before the City of Mexico.

The operations of the squadron on the Pacific under Sloat, Stockton, Biddle, and others have been referred to in a general way. Later in the war Commodores Shubrick and Selfridge, in attempting to hold Lower California, fell into serious difficulties with the Mexicans and Californians. Shubrick captured Acapulco, Mazatlan, and La Paz, the latter on



the California Peninsula; and although the Americans lost but few men in this small and useless coast war, the Mexicans were always exhibiting their great faculty for pronunciamientos, and risings, and a town was scarcely captured and abandoned until it had to be captured again. Commodore Shubrick was, of course, under the impression that the Administration meant to retain Lower California at least; and that it might as well have done. As for the old unhealthy volcanic city of Acapulco, the United States had little use for that unless all Mexico was to be annexed.

## CHAPTER XXIII.

PRESIDENT POLK'S THIRD ANNUAL MESSAGE—A PLEA  
FOR THE UNION—THE TERRITORY OF OREGON—BENTON AND CALHOUN.

CONGRESS convened on the 6th of December, 1847 ("First session of the 30th Congress"), and continued in session until August 14th, 1848, being 253 days, and passing 187 acts. The first session of Congress under Mr. Polk's Administration had also lasted exactly the same number of days, and at that time 185 acts were passed. The last session under this Administration, ending March 3, 1849, was only 90 days in length, and in that time 201 acts were passed. But the next session, the first under President Taylor, continued 302 days, and was the longest time that body had ever sat. It is a fact worthy of some note, perhaps, that up to the end of President Polk's term, Congress had sat 9,262 days from the beginning of the Government, in April, 1789, or an average of 154 days to the year; and in that time passed 7,526 acts. The elections of 1846 and 1847 in New York, Pennsylvania, and some other parts of the country had resulted favorably to the Whigs. In New York, Silas Wright, whose election in 1844, as governor, had actually made Mr. Polk President, was now defeated

in a race for re-election. The House of Representatives had a Whig majority, and its organization was completely Whig in character, Robert C. Winthrop, of Massachusetts, being elected Speaker by 110 votes against 108 Democratic and scattering Whig votes in the opposition. A Whig clerk was also elected. The Senate was still Democratic. The following is Mr. Polk's

### THIRD ANNUAL MESSAGE.

*December 7, 1847.*

FELLOW-CITIZENS OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:—

The annual meeting of Congress is always an interesting event. The Representatives of the States and of the people come fresh from their constituents to take counsel together for the common good. After an existence of near three-fourths of a century as a free and independent republic, the problem no longer remains to be solved whether man is capable of self-government. The success of our admirable system is a conclusive refutation of the theories of those in other countries who maintain that "a favored few" are born to rule, and that the mass of mankind must be governed by force. Subject to no arbitrary or hereditary authority, the people are the only sovereigns recognized by our Constitution. Numerous emigrants of every lineage and language, attracted by the civil and religious freedom we enjoy, and by our happy condition, annually crowd to our shores, and transfer their hearts, not less than their allegiance, to the country whose dominion belongs alone to the people.

No country has been so much favored, or should acknowledge with deeper reverence manifestations of the Divine protection. An all-wise Creator directed and guarded us in our infant struggle for freedom, and has constantly watched over our surprising progress, until we have become one of the great nations of the earth.

It is in a country thus favored, and under a government in which the Executive and Legislative branches, hold their authority for limited periods, alike from the people, and where all are responsible to their respective constituencies, that it is again my duty to communicate with Congress upon the state of the Union, and the present condition of public affairs.

During the past year the most gratifying proofs are presented that our country has been blessed with a wide-spread and universal prosperity. There has been no period since the Government was founded, when all the industrial pursuits of our people have been more successful, or when labor in all branches of business has received a fairer or better reward. From our abundance we have been enabled to perform the pleasing duty of furnishing food for the starving millions of less-favored countries.

In the enjoyment of the bounties of Providence at home, such as have rarely fallen to the lot of any people, it is cause of congratulation, that our intercourse with all the powers of the earth, except Mexico, continues to be of an amicable character.

It has ever been our cherished policy to cultivate peace and good-will with all nations; and this policy has been steadily pursued by me.

No change has taken place in our relations with Mexico since the adjournment of the last Congress. The war in which the United States were forced to engage with the government of that country still continues.

I deem it unnecessary, after the full exposition of them contained in my message of the 11th of May, 1846, and in my annual message at the commencement of the session of Congress in December last, to reiterate the serious causes of complaint which we had against Mexico before she commenced hostilities.

It is sufficient on the present occasion to say, that the wanton violation of the rights of person and property of our citizens committed by Mexico, her repeated acts of bad faith, through a long series of years, and her disregard of solemn treaties, stipulating for indemnity to our injured citizens, not only constituted ample cause of war on our part, but were of



such an aggravated character as would have justified us before the whole world, in resorting to this extreme remedy. With an anxious desire to avoid a rupture between the two countries, we forbore for years to assert our clear rights by force, and continued to seek redress for the wrongs we had suffered by amicable negotiation, in the hope that Mexico might yield to pacific counsels and the demands of justice. In this hope we were disappointed. Our minister of peace sent to Mexico was insultingly rejected. The Mexican government refused even to hear the terms of adjustment which he was authorized to propose; and finally, under wholly unjustifiable pretexts, involved the two countries in war, by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.

Though the United States were the aggrieved nation, Mexico commenced the war, and we were compelled, in self-defense, to repel the invader, and to vindicate the national honor and interests by prosecuting it with vigor until we could obtain a just and honorable peace.

In learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress; and that body, by the act of the 13th of May, 1846, declared that, "by the act of the Republic of Mexico, a state of war exists between that government and the United States," this act declaring "the war to exist by the act of the Republic of Mexico," and making provision for its prosecution "to a speedy and successful termination," was passed with great unanimity by Congress, there being but two negative votes in the Senate and but fourteen in the House of Representatives.

The existence of the war having thus been declared by Congress, it became my duty, under the Constitution and the laws, to conduct and prosecute it. This duty has been performed; and though, at every stage of its progress, I have manifested a willingness to terminate it by a just peace, Mexico has refused to accede to any terms which could be accepted by the United States, consistently with the national honor and interest.

The rapid and brilliant successes of our arms, and the vast

extent of the enemy's territory which had been overrun and conquered, before the close of the last session of Congress, were fully known to that body. Since that time, the war has been prosecuted with increased energy, and, I am gratified to state, with a success which commands universal admiration. History presents no parallel of so many glorious victories achieved by any nation within so short a period. Our army, regulars and volunteers, have covered themselves with imperishable honors. Whenever and wherever our forces have encountered the enemy, though he was in vastly superior numbers, and often intrenched in fortified positions of his own selection, and of great strength, he has been defeated. Too much praise can not be bestowed upon our officers and men, regulars and volunteers, for their gallantry, discipline, indomitable courage and perseverance, all seeking the post of danger, and vying with each other in deeds of noble daring.

While every patriot's heart must exult, and a just national pride animate every bosom, in beholding the high proofs of courage, consummate military skill, steady discipline, and humanity to the vanquished enemy, exhibited by our gallant army, the nation is called to mourn over the loss of many brave officers and soldiers who have fallen in defense of their country's honor and interests. The brave dead met their melancholy fate in a foreign land, nobly discharging their duty, and with their country's flag waving triumphantly in the face of the foe. Their patriotic deeds are justly appreciated, and will long be remembered by their grateful countrymen. The parental care of the Government they loved and served should be extended to their surviving families.

Shortly after the adjournment of the last session of Congress, the gratifying intelligence was received of the signal victory of Buena Vista, and of the fall of the city of Vera Cruz, and with it the strong castle of San Juan de Ulloa, by which it was defended. Believing that after these and other successes, so honorable to our arms and so disastrous to Mexico, the period was propitious to afford her another opportunity, if she thought proper to embrace it, to enter into negotiations for peace, a commissioner was appointed to proceed to the headquarters of our army, with full powers to enter upon

negotiations, and to conclude a just and honorable treaty of peace. He was not directed to make any new overtures of peace, but was the bearer of a dispatch from the Secretary of State of the United States to the Minister of Foreign Affairs of Mexico, in reply to one received from the latter of the 22d of February, 1847, in which the Mexican government was informed of his appointment, and of his presence at the headquarters of our army, and that he was invested with full powers to conclude a definitive treaty of peace, whenever the Mexican government might signify a desire to do so. While I was unwilling to subject the United States to another indignant refusal, I was yet resolved that the evils of the war should not be protracted a day longer than might be rendered absolutely necessary by the Mexican government.

Care was taken to give no instructions to the commissioner which could in any way interfere with our military operations, or relax our energies in the prosecution of the war. He possessed no authority in any manner to control these operations. He was authorized to exhibit his instructions to the general in command of the army; and in the event of a treaty being concluded and ratified on the part of Mexico, he was directed to give him notice of that fact. On the happening of such contingency, and on receiving notice thereof, the general in command was instructed by the Secretary of War to suspend further active military operations until further orders. These instructions were given with a view to intermit hostilities until the treaty thus ratified by Mexico could be transmitted to Washington, and receive the action of the Government of the United States.

The commissioner was also directed, on reaching the army, to deliver to the general in command the dispatch which he bore from the Secretary of State to the Minister of Foreign Affairs of Mexico, and, on receiving it, the general was instructed by the Secretary of War to cause it to be transmitted to the commander of the Mexican forces, with a request that it might be communicated to his government.

The commissioner did not reach the head-quarters of the army until after another brilliant victory had crowned our arms at Cerro Gordo.

The dispatch which he bore from the Secretary of War to the General in command of the army was received by that officer, then at Jalapa, on the 7th of May, 1847, together with the dispatch from the Secretary of State to the Minister of Foreign Affairs of Mexico, having been transmitted to him from Vera Cruz. The commissioner arrived at the headquarters of the army a few days afterward. His presence with the army and his diplomatic character were made known to the Mexican government, from Puebla, on the 12th of June, 1847, by the transmission of the dispatch from the Secretary of State to the Minister of Foreign Affairs of Mexico.

Many weeks elapsed after its receipt, and no overtures were made, nor was any desire expressed by the Mexican government, to enter into negotiations for peace.

Our army pursued its march upon the capital, and, as it approached it, was met by formidable resistance. Our forces first encountered the enemy, and achieved signal victories in the severely-contested battles of Contreras and Churubusco. It was not until after these actions had resulted in decisive victories, and the capital of the enemy was within our power, that the Mexican government manifested any disposition to enter into negotiations for peace, and even then, as events have proved, there is too much reason to believe, they were insincere, and that in agreeing to go through the forms of negotiation, the object was to gain time to strengthen the defenses of their capital, and to prepare for fresh resistance.

The General in command of the army deemed it expedient to suspend hostilities temporarily, by entering into an armistice with a view to the opening of negotiations. Commissioners were appointed on the part of Mexico to meet the commissioner on the part of the United States. The result of the conferences which took place between these functionaries of the two governments was a failure to conclude a treaty of peace.

The commissioner of the United States took with him the project of a treaty already prepared, by the terms of which the indemnity required by the United States was a cession of territory.

It is well known that the only indemnity which it is in the power of Mexico to make, in satisfaction of the just and long-



deferred claims of our citizens against her, and the only means by which she can reimburse the United States for the expenses of the war, is a cession to the United States of a portion of her territory. Mexico has no money to pay, and no other means of making the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity for tortuous acts committed under the authority of one government against the citizens or subjects of another, unless they are provided for in its stipulations. A treaty of peace which would terminate the existing war, without providing for indemnity, would enable Mexico—the acknowledged debtor, and herself the aggressor in the war—to relieve herself from her just liabilities. By such a treaty, our citizens who hold just demands against her would have no remedy against either Mexico or their own Government. Our duty to these citizens must forever prevent such a peace, and no treaty which does not provide ample means of discharging these demands can receive my sanction.

A treaty of peace should settle all existing differences between the two countries. If an adequate cession of territory should be made by such a treaty, the United States should release Mexico from all her liabilities, and assume their payment to our own citizens. If, instead of this, the United States were to consent to a treaty by which Mexico should again engage to pay the heavy amount of indebtedness which a just indemnity to our Government and our citizens would impose on her, it is notorious that she does not possess the means to meet such an undertaking. From such a treaty no result could be anticipated, but the same irritating disappointments which have heretofore attended the violations of similar treaty stipulations on the part of Mexico. Such a treaty would be but a temporary cessation of hostilities, without the restoration of the friendship and good understanding which should characterize the future intercourse between the two countries.

That Congress contemplated the acquisition of territorial indemnity when that body made provision for the prosecution of the war, is obvious. Congress could not have meant—when, in May, 1846, they appropriated ten millions of dollars, and authorized the President to employ the militia and naval and military forces of the United States, and to accept the services of fifty thousand volunteers, to enable him to prosecute the war; and when, at their last session, and after our army had invaded Mexico, they made additional appropriations, and authorized the raising of additional troops for the same purpose—that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that, if no Mexican territory was acquired, no indemnity could be obtained.

It is further manifest that Congress contemplated territorial indemnity, from the fact that at their last session an act was passed, upon the Executive recommendation, appropriating three millions of dollars with that express object. This appropriation was made “to enable the President to conclude a treaty of peace, limits, and boundaries, with the republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof.” The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress. Similar appropriations made in 1803 and 1806, which were referred to, were intended to be applied in part consideration for the cession of Louisiana and the Floridas. In like manner it was anticipated that, in settling the terms of a treaty of “limits and boundaries” with Mexico, a cession of territory estimated to be of greater value than the amount of our demands against her might be obtained, and that the prompt payment of this sum—in part consideration for the territory ceded—on the conclusion of a treaty, and its ratification on her part, might be an inducement with her to make such a cession of territory as would be satisfactory to the United States. And although the failure to conclude such a treaty has rendered it unnecessary to use any part of the three millions of dollars appropriated by that act, and the entire sum remains in the Treasury, it is still applicable to that object,

should the contingency occur making such application proper. The doctrine of no territory is the doctrine of no indemnity, and, if sanctioned, would be a public acknowledgment that our country was wrong, and that the war declared by Congress with extraordinary unanimity was unjust, and should be abandoned; an admission unfounded in fact, and degrading to the national character.

The terms of the treaty proposed by the United States were not only just to Mexico, but, considering the character and amount of our claims, the unjustifiable and unprovoked commencement of hostilities by her, the expenses of the war to which we have been subjected, and the success which had attended our arms, were deemed to be of a most liberal character.

The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the Isthmus of Tehuantepec. The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was, under no circumstances, to yield.

That it might be manifest, not only to Mexico, but to all other nations, that the United States were not disposed to take advantage of a feeble power, by insisting upon wresting from her all the other provinces, including many of her principal towns and cities, which we had conquered and held in our military occupation, but were willing to conclude a treaty in a spirit of liberality, our commissioner was authorized to stipulate for the restoration to Mexico of all our other conquests.

As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable.

The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were

the victorious, and not the vanquished party. They must have known that their ultimatum could never be accepted. It required the United States to dismember Texas, by surrendering to Mexico that part of the territory of that State lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent republic, and when she was annexed to the United States and admitted by Congress as one of the States of our Union. It contained no provision for the payment by Mexico of the just claims of our citizens. It required indemnity to Mexican citizens for injuries they may have sustained by our troops in the prosecution of the war. It demanded the right for Mexico to levy and collect the Mexican tariff of duties on goods imported into her ports while in our military occupation during the war, and the owners of which had paid to officers of the United States the military contributions which had been levied upon them; and it offered to cede to the United States, for a pecuniary consideration, that part of Upper California lying north of latitude thirty-seven degrees. Such were the unreasonable terms proposed by the Mexican commissioners.

The cession to the United States by Mexico, of the provinces of New Mexico and the Californias, as proposed by the commissioner of the United States, it was believed, would be more in accordance with the convenience and interests of both nations, than any other cession of territory which it was probable Mexico could be induced to make.

It is manifest to all who have observed the actual condition of the Mexican government, for some years past, and at present, that if these provinces should be retained by her, she could not long continue to hold and govern them. Mexico is too feeble a power to govern these provinces, lying as they do at a distance of more than a thousand miles from her capital, and if attempted to be retained by her, they would constitute but for a short time, even nominally, a part of her dominions.

This would be especially the case with Upper California. The sagacity of powerful European nations has long since directed their attention to the commercial importance of that province, and there can be little doubt that the moment the United States shall relinquish their present occupation of it, and their



claim to it as indemnity, an effort would be made by some foreign power to possess it, either by conquest or by purchase. If no foreign government should acquire it in either of these modes, an independent revolutionary government would probably be established by the inhabitants, and such foreigners as may remain in or remove to the country, as soon as it shall be known that the United States have abandoned it. Such a government would be too feeble long to maintain its separate independent existence, and would finally become annexed to, or be a dependent colony of some more powerful State.

Should any foreign government attempt to possess it as a colony, or otherwise to incorporate it with itself, the principle avowed by President Monroe, in 1824, and reaffirmed in my first annual message, that no foreign power shall, with our consent, be permitted to plant or establish any new colony or dominion on any part of the North American continent, must be maintained. In maintaining this principle, and in resisting its invasion by any foreign power, we might be involved in other wars more expensive and more difficult than that in which we are now engaged.

The provinces of New Mexico and the Californias are contiguous to the territories of the United States, and if brought under the government of our laws, their resources—mineral, agricultural, manufacturing, and commercial—would soon be developed.

Upper California is bounded on the north by our Oregon possessions; and if held by the United States, would soon be settled by a hardy, enterprising, and intelligent portion of our population. The Bay of San Francisco, and other harbors along the California coast, would afford shelter for our navy, for our numerous whale-ships, and other merchant-vessels employed in the Pacific Ocean, and would in a short period become the marts of an extensive and profitable commerce with China and other countries of the East.

These advantages, in which the whole commercial world would participate, would at once be secured to the United States by the cession of this territory; while it is certain that as long as it remains a part of the Mexican dominions, they can be enjoyed neither by Mexico herself nor by any other nation.

New Mexico is a frontier province, and has never been of any considerable value to Mexico. From its locality, it is naturally connected with our western settlements. The territorial limits of the State of Texas, too, as defined by her laws, before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important.

There is another consideration which induced the belief that the Mexican government might even desire to place this province under the protection of the Government of the United States. Numerous bands of fierce and warlike savages wander over it, and upon its borders. Mexico has been, and must continue to be, too feeble to restrain them from committing depredations, robberies, and murders, not only upon the inhabitants of New Mexico itself, but upon those of the other northern States of Mexico. It would be a blessing to all these northern States to have their citizens protected against them by the power of the United States. At this moment many Mexicans, principally females and children, are in captivity among them. If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends.

In proposing to acquire New Mexico and the Californias, it was known that but an inconsiderable portion of the Mexican people would be transferred with them, the country embraced within these provinces being chiefly an uninhabited region.

These were the leading considerations which induced me to authorize the terms of peace which were proposed to Mexico. They were rejected; and, negotiations being at an end, hostilities were renewed. An assault was made by our gallant army upon the strongly fortified places near the gates of the City of Mexico, and upon the city itself; and after several days of severe conflict, the Mexican forces, vastly superior in number to ours, were driven from the city, and it was occupied by our troops.

Immediately after information was received of the unfa-

vorable result of the negotiations, believing that his continued presence with the army could be productive of no good, I determined to recall our commissioner. A dispatch to this effect was transmitted to him on the 6th of October last. The Mexican government will be informed of his recall; and that, in the existing state of things, I shall not deem it proper to make any further overtures of peace, but shall be at all times ready to receive and consider any proposals which may be made by Mexico.

Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept.

Our arms having been everywhere victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted, and what should be our future policy. I can not doubt that we should secure and render available the conquests which we have already made; and that, with this view, we should hold and occupy, by our naval and military forces, all the ports, towns, cities, and provinces, now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy, as may as far as practicable, defray the future expenses of the war.

Had the government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power, until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by

appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased within their limits. I am satisfied that they never should be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations towards them would not be changed, can not be good policy; while our own interests, and that of the people inhabiting them, require that a stable, responsible, and free government under our authority should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial government over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will promote peace and tranquillity among the inhabitants, by allaying all apprehension that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation to be drawn from contributions levied on the enemy should be fixed by law for such officers as



may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make of them, must depend on the future progress of the war, and the course which Mexico may think proper hereafter to pursue.

With the views I entertain, I can not favor the policy which has been suggested, either to withdraw our army altogether, or retire to a designated line, and simply hold and defend it. To withdraw our army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasury, in a just war on our part, and one which, by the act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world.

To retire to a line, and simply hold and defend it, would not terminate the war. On the contrary it would encourage Mexico to persevere, and tend to protract it indefinitely. It is not to be expected that Mexico, after refusing to establish such a line as a permanent boundary, when our victorious army are in possession of her capital, and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerrilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line, or at what time, he might make an assault. He may assemble and organize an

overwhelming force in the interior, on his own side of the line, and, concealing his purpose, make a sudden assault upon some one of our posts so distant from any other as to prevent the possibility of timely succor or re-enforcements; and in this way our gallant army would be exposed to the danger of being cut off in detail; or if, by their unequaled bravery and prowess everywhere exhibited during this war, they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may re-enforce himself at leisure, for another attack on the same or some other post. He may, too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harassing character of a mere defensive war on our part. If our forces, when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy, and conquer him, this would be again to invade the enemy's country, after having lost all the advantages of the conquests we have already made, by having voluntarily abandoned them. To hold such a line successfully and in security, it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made, and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy.

I am persuaded that the best means of vindicating the national honor and interest, and of bringing the war to an honorable close, will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last, I declared that "the war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and

thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico." Such, in my judgment, continues to be our true policy—indeed, the only policy which will probably secure a permanent peace.

It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and, under a good government adapted to her condition, be a free, independent, and prosperous republic. The United States were the first among the nations to recognize her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution, we seek not her overthrow as a nation; but in vindicating our national honor, we seek to obtain redress for the wrongs she has done us, and indemnity for our just demands against her. We demand an honorable peace; and that peace must bring with it indemnity for the past and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

While our armies have advanced from victory to victory, from the commencement of the war, it has always been with the olive-branch of peace in their hands; and it has been in the power of Mexico, at every step, to arrest hostilities by accepting it.

One great obstacle to the attainment of peace has, undoubtedly, arisen from the fact, that Mexico has been so long held in subjection by one faction or military usurper after another, and such has been the condition of insecurity in which their successive governments have been placed, that each has been deterred from making peace, lest, for this very cause, a rival faction might expel it from power. Such was the fate of President Herrera's administration in 1845, for being disposed even to listen to the overtures of the United States to prevent the war, as is fully confirmed by an official correspondence which took place in the month of August last, between him and his government,

a copy of which is herewith communicated. "For this cause alone, the revolution which displaced him from power was set on foot" by General Paredes. Such may be the condition of insecurity of the present government.

There can be no doubt that the peaceable and well-disposed inhabitants of Mexico are convinced that it is the true interest of their country to conclude an honorable peace with the United States; but the apprehension of becoming the victims of some military faction or usurper may have prevented them from manifesting their feelings by any public act. The removal of any such apprehension would probably cause them to speak their sentiments freely, and to adopt the measures necessary for the restoration of peace. With a people distracted and divided by contending factions, and a government subject to constant changes, by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event, it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them, and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican government, in the enjoyment of real independence, and domestic peace and prosperity, performing all her relative duties in the great family of nations, and promoting her own happiness by wise laws and their faithful execution.

If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands.



To act otherwise, in the existing state of things in Mexico, and to withdraw our army without a peace, would not only leave all the wrongs of which we complain unredressed, but would be the signal for new and fierce civil dissensions and new revolutions—all alike hostile to peaceful relations with the United States.

Besides, there is danger, if our troops were withdrawn before a peace was concluded, that the Mexican people, wearied with successive revolutions, and deprived of protection for their persons and property, might at length be inclined to yield to foreign influences, and to cast themselves into the arms of some European monarch for protection from the anarchy and suffering which would ensue. This, for our own safety, and in pursuance of our established policy, we should be compelled to resist. We could never consent that Mexico should be thus converted into a monarchy governed by a foreign prince.

Mexico is our near neighbor, and her boundaries are continuous with our own, through the whole extent across the North American continent, from ocean to ocean. Both politically and commercially, we have the deepest interest in her regeneration and prosperity. Indeed, it is impossible that, with any just regard to our own safety, we can ever become indifferent to her fate.

It may be that the Mexican government and people have misconstrued or misunderstood our forbearance, and our objects, in desiring to conclude an amicable adjustment of the existing differences between the two countries. They may have supposed that we would submit to terms degrading to the nation; or they may have drawn false inferences from the supposed division of opinion in the United States on the subject of the war, and may have calculated to gain much by protracting it; and, indeed, that we might ultimately abandon it altogether, without insisting on any indemnity, territorial or otherwise. Whatever may be the false impressions under which they have acted, the adoption and prosecution of the energetic policy proposed must soon undeceive them.

In the future prosecution of the war, the enemy must be made to feel its pressure more than they have heretofore done. At its commencement it was deemed proper to conduct it in a

spirit of forbearance and liberality. With this end in view, early measures were adopted to conciliate, as far as a state of war would permit, the mass of the Mexican population; to convince them that the war was waged, not against the peaceful inhabitants of Mexico, but against their faithless government, which had commenced hostilities; to remove from their minds the false impressions which their designing and interested rulers had artfully attempted to make, that the war on our part was one of conquest; that it was a war against their religion and their churches, which were to be desecrated and overthrown; and that their rights of person and private property would be violated. To remove these false impressions, our commanders in the field were directed scrupulously to respect their religion, their churches, and their church property, which were in no manner to be violated; they were directed also to respect the rights of persons and property of all who should not take up arms against us.

Assurances to this effect were given to the Mexican people by Major-General Taylor, in a proclamation issued in pursuance of instructions from the Secretary of War, in the month of June, 1846, and again by Major-General Scott, who acted upon his own convictions of the propriety of issuing it in a proclamation of the 11th of May, 1847.

In this spirit of liberality and conciliation, and with a view to prevent the body of the Mexican population from taking up arms against us, was the war conducted on our part. Provisions and other supplies furnished to our army by Mexican citizens were paid for at fair and liberal prices agreed upon by the parties. After the lapse of a few months, it became apparent that these assurances, and this mild treatment, had failed to produce the desired effect upon the Mexican population. While the war had been conducted on our part according to the most humane and liberal principles observed by civilized nations, it was waged in a far different spirit on the part of Mexico. Not appreciating our forbearance, the Mexican people generally became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops. Large numbers of the population took up arms, and, engaging in guerrilla warfare, robbed and murdered, in the

most cruel manner, individual soldiers, or small parties, whom accident or other causes had separated from the main body of our army; bands of guerilleros and robbers infested the roads, harassed our trains, and, whenever it was in their power, cut off our supplies.

The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations.

Accordingly as early as the 22d of September, 1846, instructions were given by the Secretary of War to Major-General Taylor to "draw supplies" for our army "from the enemy, without paying for them, and to require contributions for its support, if in that way he was satisfied he could get abundant supplies for his forces." In directing the execution of these instructions, much was necessarily left to the discretion of the commanding officer, who was best acquainted with the circumstances by which he was surrounded, the wants of the army, and the practicability of enforcing the measure.

General Taylor, on the 26th of October, 1846, replied from Monterey, that "it would have been impossible hitherto, and is so now, to sustain the army to any extent by forced contributions of money or supplies." For the reasons assigned by him, he did not adopt the policy of his instructions, but declared his readiness to do so, "should the army, in its future operations, reach a portion of the country which may be made to supply the troops with advantage." He continued to pay for the articles of supply which were drawn from the enemy's country.

Similar instructions were sent to Major-General Scott on the 3d of April, 1847, who replied from Jalapa, on the 20th of May, 1847, that if it be expected "that the army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves." The same discretion was given to him that had been given to General Taylor in this respect. General Scott, for the reasons assigned by him, also continued to pay for the articles of supply for the army which were drawn from the enemy.

After the army had reached the heart of the most wealthy portion of Mexico, it was supposed that the obstacles which had before that time prevented it would not be such as to render impracticable the levy of forced contributions for its support; and on the 1st of September, and again on the 6th of October, 1847, the order was repeated in dispatches addressed by the Secretary of War to General Scott, and his attention was again called to the importance of making the enemy bear the burdens of the war by requiring them to furnish the means of supporting our army; and he was directed to adopt this policy, unless, by doing so, there was danger of depriving the army of the necessary supplies. Copies of these dispatches were forwarded to General Taylor for his government.

On the 31st of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions toward defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from impost duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our naval and military officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors, of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and



the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, toward the expenses of the war.

For the amount of contributions which have been levied in this form, I refer you to the accompanying reports of the Secretary of War and of the Secretary of the Navy, by which it appears that a sum exceeding half a million of dollars has been collected.

This amount would undoubtedly have been much larger, but for the difficulty of keeping open communications between the coast and the interior, so as to enable the owners of the merchandise imported to transport and vend it to the inhabitants of the country. It is confidently expected that this difficulty will, to a great extent, be soon removed by our increased forces which have been sent to the field.

Measures have recently been adopted by which the internal as well as the external revenues of Mexico, in all places in our military occupation, will be seized and appropriated to the use of our army and navy.

The policy of levying upon the enemy contributions in every form, consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own Treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

After the adjournment of the last session of Congress, events transpired in the prosecution of the war which, in my judgment, required a greater number of troops in the field than had been anticipated. The strength of the army was accordingly increased by "accepting" the services of all the volunteer forces authorized by the act of the 13th of May, 1846, without putting a construction on that act, the correctness of which was seriously questioned. The volunteer forces now in the field, with those which had been "accepted," to "serve for twelve months," and were discharged at the end of their term of service, exhaust the fifty thousand men authorized by

that act. Had it been clear that a proper construction of the act warranted it, the services of an additional number would have been called for and accepted; but doubts existing upon this point, the power was not exercised.

It is deemed important that Congress should, at an early period of their session, confer the authority to raise an additional regular force to serve during the war with Mexico, and to be discharged upon the conclusion and ratification of a treaty of peace. I invite the attention of Congress to the views presented by the Secretary of War in his report upon the subject.

I recommend, also, that authority be given by law to call for and accept the services of an additional number of volunteers, to be exercised at such time and to such extent as the emergencies of the service may require.

In prosecuting the war with Mexico, while the utmost care has been taken to avoid every just cause of complaint on the part of neutral nations, and none has been given, liberal privileges have been granted to their commerce in the ports of the enemy in our military occupation.

The difficulty with the Brazilian government, which at one time threatened to interrupt the friendly relations between the two countries, will, I trust, be speedily adjusted. I have received information that an envoy extraordinary and minister plenipotentiary to the United States will shortly be appointed by his imperial majesty; and it is hoped that he will come instructed and prepared to adjust all remaining differences between the two governments in a manner acceptable and honorable to both. In the meantime, I have every reason to believe that nothing will occur to interrupt our amicable relations with Brazil.

It has been my constant effort to maintain and cultivate the most intimate relations of friendship with all the independent powers of South America; and this policy has been attended with the happiest results. It is true, that the settlement and payment of many just claims of American citizens against these nations have been long delayed. The peculiar position in which they have been placed, and the desire on the part of my predecessors, as well as myself, to grant them the

utmost indulgence, have hitherto prevented these claims from being urged in a manner demanded by strict justice. The time has arrived when they ought to be finally adjusted and liquidated, and efforts are now making for that purpose.

It is proper to inform you that the government of Peru has in good faith paid the first two installments of the indemnity of thirty thousand dollars each, and the greater portion of the interest due thereon, in execution of the convention between that government and the United States, the ratifications of which were exchanged at Lima, on the 31st of October, 1846. The Attorney-General of the United States, early in August last, completed the adjudication of the claims under this convention, and made his report thereon, in pursuance of the act of the 8th of August, 1846. The sums to which the claimants are respectively entitled will be paid on demand at the Treasury.

I invite the early attention of Congress to the present condition of our citizens in China. Under our treaty with that power, American citizens are withdrawn from the jurisdiction, whether civil or criminal, of the Chinese government, and placed under that of our public functionaries in that country. By these alone can our citizens be tried and punished for the commission of any crime; by these alone can questions be decided between them, involving the rights of persons and property; and by these alone can contracts be enforced, into which they may have entered with the citizens or subjects of foreign powers. The merchant-vessels of the United States lying in the waters of the five ports of China open to foreign commerce are under the exclusive jurisdiction of officers of their own government. Until Congress shall establish competent tribunals to try and punish crimes, and to exercise jurisdiction in civil cases in China, American citizens there are subject to no law whatever. Crimes may be committed with impunity, and debts may be contracted without any means to enforce their payment. Inconveniences have already resulted from the omission of Congress to legislate upon the subject, and still greater are apprehended. The British authorities in China have already complained that this Government has not provided for the punishment of crimes, or the enforcement of contracts against American

citizens in that country, while their government has established tribunals by which an American citizen can recover debts due from British subjects.

Accustomed as the Chinese are to summary justice, they could not be made to comprehend why criminals who are citizens of the United States should escape with impunity, in violation of treaty obligations, while the punishment of a Chinese, who had committed any crime against an American citizen, would be rigorously exacted. Indeed, the consequences might be fatal to American citizens in China, should a flagrant crime be committed by any one of them upon a Chinese, and should trial and punishment not follow according to the requisitions of the treaty. This might disturb, if not destroy, our friendly relations with that empire, and cause an interruption of our valuable commerce.

Our treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat, also require the legislation of Congress to carry them into execution, though the necessity for immediate action may not be so urgent as in regard to China.

The Secretary of State has submitted an estimate to defray the expense of opening diplomatic relations with the papal States. The interesting political events now in progress in these States, as well as a just regard to our commercial interests, have, in my opinion, rendered such a measure highly expedient.

Estimates have also been submitted for the outfits and salaries of *chargés d'affaires* to the republics of Bolivia, Guatemala, and Ecuador. The manifest importance of cultivating the most friendly relations with all the independent States upon this continent has induced me to recommend appropriations necessary for the maintenance of these missions.

I recommend to Congress that an appropriation be made, to be paid to the Spanish government for the purpose of distribution among the claimants in "the Amistad case." I entertain the conviction that this is due to Spain under the treaty of the 20th of October, 1795; and moreover, that, from the earnest manner in which the claim continues to be urged, so long as it shall remain unsettled, it will be a source of irritation and discord between the two countries, which may prove highly preju-



dicial to the interests of the United States. Good policy, no less than a faithful compliance with our treaty obligations, requires that the inconsiderable appropriation demanded should be made.

A detailed statement of the condition of the finances will be presented in the annual report of the Secretary of the Treasury. The imports for the last fiscal year, ending on the 30th of June, 1847, were of the value of one hundred and forty-six millions five hundred and forty-five thousand six hundred and thirty-eight dollars; of which the amount exported was eight millions eleven thousand one hundred and fifty-eight dollars, leaving one hundred and thirty-eight millions five hundred and thirty-four thousand four hundred and eighty dollars in the country for domestic use. The value of the exports for the same period was one hundred and fifty-eight millions six hundred and forty-eight thousand six hundred and twenty-two dollars; of which one hundred and fifty millions six hundred and thirty-seven thousand four hundred and sixty-four dollars consisted of domestic productions, and eight millions eleven thousand one hundred and fifty-eight dollars of foreign articles.

The receipts into the Treasury for the same period amounted to twenty-six millions three hundred and forty-six thousand seven hundred and ninety dollars and thirty-seven cents, of which there was derived from customs twenty-three millions seven hundred and forty-seven thousand eight hundred and sixty-four dollars and sixty-six cents; from sales of public lands, two millions four hundred and ninety-eight thousand three hundred and thirty-five dollars and twenty cents; and from incidental and miscellaneous sources, one hundred thousand five hundred and seventy dollars and fifty-one cents. The last fiscal year during which this amount was received embraced five months under the operation of the tariff act of 1842, and seven months during which the tariff act of 1846 was in force. During the five months under the act of 1842, the amount received from customs was seven millions eight hundred and forty-two thousand three hundred and six dollars and ninety cents, and during the seven months under the act of 1846, the amount received was fifteen millions, nine hundred and five thousand five hundred and fifty-seven dollars and seventy-six cents.

The net revenue from customs during the year ending on the 1st of December, 1846, being the last year under the operation of the tariff act of 1842, was twenty-two millions nine hundred and seventy-one thousand four hundred and three dollars and ten cents; and the net revenue from customs during the year ending on the 1st of December, 1847, being the first year under the operation of the tariff act of 1846, was about thirty-one millions five hundred thousand dollars; being an increase of revenue for the first year under the tariff of 1846 of more than eight millions five hundred thousand dollars over that of the last year under the tariff of 1842.

The expenditures during the fiscal year ending on the 30th of June last, were fifty-nine millions four hundred and fifty-one thousand one hundred and seventy-seven dollars and sixty-five cents; of which three millions five hundred and twenty-two thousand and eighty-two dollars and thirty-seven cents was on account of payment of principal and interest of the public debt, including Treasury-notes redeemed and not funded. The expenditures, exclusive of payment of public debt, were fifty-five millions nine hundred and twenty-nine thousand and ninety-five dollars and twenty-eight cents.

It is estimated that the receipts into the Treasury for the fiscal year ending on the 30th of June, 1848, including the balance in the Treasury on the 1st of July last, will amount to forty-two millions eight hundred and eighty-six thousand five hundred and forty-five dollars and eighty cents, of which thirty-one millions, it is estimated, will be derived from customs; three millions five hundred thousand from the sale of the public lands; four hundred thousand from incidental sources, including sales made by the solicitor of the Treasury; and six millions two hundred and eighty-five thousand two hundred and ninety-four dollars and fifty-five cents from loans already authorized by law, which, together with the balance in the Treasury on the 1st of July last, make the sum estimated.

The expenditures for the same period, if the peace with Mexico shall not be concluded, and the army shall be increased as is proposed, will amount, including the necessary payments on account of principal and interest of the public debt and

Treasury-notes, to fifty-eight millions six hundred and fifteen thousand six hundred and sixty dollars and seven cents.

On the 1st of the present month, the amount of the public debt actually incurred, including treasury-notes, was forty-five millions six hundred and fifty-nine thousand six hundred and fifty-nine dollars and forty cents. The public debt due on the 4th of March, 1845, including treasury-notes, was seventeen millions seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents; and consequently the addition made to the public debt since that time is twenty-seven millions eight hundred and seventy thousand eight hundred and fifty-nine dollars and seventy-eight cents.

Of the loan of twenty-three millions, authorized by the act of the 28th of January, 1847, the sum of five millions was paid out to the public creditors, or exchanged at par for specie; the remaining eighteen millions was offered for specie to the highest bidder not below par, by an advertisement issued by the Secretary of the Treasury, and published from the 9th of February until the 10th of April, 1847, when it was awarded to the several highest bidders, at premiums varying from one-eighth of one per cent to two per cent above par. The premium has been paid into the Treasury, and the sums awarded deposited in specie in the Treasury as fast as it was required by the wants of the Government.

To meet the expenditures for the remainder of the present and for the next fiscal year, ending on the 30th of June, 1849, a further loan, in aid of the ordinary revenues of the Government, will be necessary. Retaining a sufficient surplus in the Treasury, the loan required for the remainder of the present fiscal year will be about eighteen millions five hundred thousand dollars. If the duty on tea and coffee be imposed, and the graduation of the price of the public lands shall be made at an early period of your session, as recommended, the loan for the present fiscal year may be reduced to seventeen millions of dollars. The loan may be further reduced by whatever amount of expenditures can be saved by military contributions collected in Mexico. The most vigorous measures for the augmentation of these contributions have been directed, and a

very considerable sum is expected from that source. Its amount can not, however, be calculated with any certainty. It is recommended that the loan to be made be authorized upon the same terms, and for the same time, as that which was authorized under the provisions of the act of the 28th of January, 1847.

Should the war with Mexico be continued until the 30th of June, 1849, it is estimated that a further loan of twenty millions five hundred thousand dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contributions shall be collected in Mexico. If the duty on tea and coffee be imposed, and the lands be reduced and graduated in price as proposed, the loan may be reduced to seventeen millions of dollars, and will be subject to be still further reduced by the amount of the military contributions which may be collected in Mexico. It is not proposed, however, at present, to ask Congress for authority to negotiate this loan for the next fiscal year, as it is hoped that the loan asked for the remainder of the present fiscal year, aided by military contributions which may be collected in Mexico, may be sufficient. If, contrary to my expectation, there should be a necessity for it, the fact will be communicated to Congress in time for their action during the present session. In no event will a sum exceeding six millions of dollars of this amount be needed before the meeting of the session of Congress in December, 1848.

The act of the 30th of July, 1846, "reducing duties on imports," has been in force since the 1st of December last; and I am gratified to state, that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the 1st of December, 1847, exceeds by more than eight millions of dollars the amount received in the preceding year, under the operation of the act of 1842, which was superseded and repealed by it. Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties



of the act of 1842, and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value, have increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them; and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.

Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges. Great as has been the increase of our imports during the past year, our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed, as well as by those who have navigated them. Should the ratio of increase in the number of our merchant-vessels be progressive, and be as great for the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than that of any other nation in the world.

While the interests of agriculture, of commerce, and of navigation have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest, which were apprehended by some, as the result of the operation of the revenue system established by the act of 1846, have been experienced. On the contrary, the number of manufactories, and the amount of capital invested in them, is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are

abundantly able to meet successfully all competition from abroad, and still derive fair and remunerating profits.

While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufactures, agriculture, commerce, or navigation, have been augmented. The toiling millions, whose daily labor furnishes the supply of food and raiment, and all the necessities and comforts of life, are receiving higher wages, and more steady and permanent employment, than in any other country, or at any previous period of our own history.

So successful have been all branches of our industry, that a foreign war which generally diminishes the resources of a nation, has in no essential degree retarded our onward progress, or checked our general prosperity.

With such gratifying evidences of prosperity, and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established may be regarded as the permanent policy of the country, and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes.

For the purpose of increasing the revenue, and without changing or modifying the rates imposed by the act of 1846, on the dutiable articles embraced by its provisions, I again recommend to your favorable consideration the expediency of levying a revenue duty on tea and coffee. The policy which exempted these articles from duty during peace, and when the revenue to be derived from them was not needed, ceases to exist when the country is engaged in war, and requires the use of all of its available resources. It is a tax which would be so generally diffused among the people, that it would be felt oppressively by none, and be complained of by none. It is believed that there are not, in the list of imported articles, any which are more properly the subject of war-duties than tea and coffee.

It is estimated that three millions of dollars would be derived annually by a moderate duty imposed on these articles.

Should Congress avail itself of this additional source of rev-

enue, not only would the amount of the public loan rendered necessary by the war with Mexico be diminished to that extent, but the public credit, and the public confidence in the ability and determination of the Government to meet all its engagements promptly, would be more firmly established, and the reduced amount of the loan which it may be necessary to negotiate could probably be obtained at cheaper rates.

Congress is, therefore, called upon to determine whether it is wiser to impose the war-duties recommended, or, by omitting to do so, increase the public debt annually three millions of dollars so long as loans shall be required to prosecute the war, and afterward provide, in some other form, to pay the semi-annual interest upon it, and ultimately to extinguish the principal. If, in addition to these duties, Congress should graduate and reduce the price of such of the public lands as experience has proved will not command the price placed upon them by the Government, an additional annual income to the Treasury of between half a million and a million of dollars, it is estimated would be derived from this source. Should both measures receive the sanction of Congress, the annual amount of public debt necessary to be contracted during the continuance of the war would be reduced near four millions of dollars. The duties recommended to be levied on tea and coffee, it is proposed, shall be limited in their duration to the end of the war, and until the public debt rendered necessary to be contracted by it shall be discharged. The amount of the public debt to be contracted should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the Treasury will permit.

With this view, it is recommended that as soon as the war shall be over, all the surplus in the Treasury, not needed for other indispensable objects, shall constitute a sinking fund, and be applied to the purchase of the funded debt, and that authority be conferred by law for that purpose.

The act of the 6th of August, 1846, "to establish a warehousing system," has been in operation more than a year, and has proved to be an important auxiliary to the tariff act of 1846, in augmenting the revenue and extending the commerce of the country. While it has tended to enlarge commerce, it

has been beneficial to our manufactures, by diminishing forced sales at auction of foreign goods at low prices, to raise the duties to be advanced on them, and by checking fluctuations in the market. The system, although sanctioned by the experience of other countries, was entirely new in the United States, and is susceptible of improvement in some of its provisions. The Secretary of the Treasury, upon whom was devolved large discretionary powers in carrying this measure into effect, has collected, and is now collating, the practical results of the system in other countries, where it has long been established, and will report at an early period of your session such further regulations suggested by the investigation as may render it still more effective and beneficial.

By the act "to provide for the better organization of the Treasury, and for the collection, safe-keeping, and disbursement of the public revenue," all banks were discontinued as fiscal agents of the Government, and the paper currency issued by them was no longer permitted to be received in payment of public dues.

The Constitutional Treasury created by this act went into operation on the first day of January last. Under the system established by it, the public moneys have been collected, safely kept, and disbursed, by the direct agency of officers of the Government in gold and silver; and transfers of large amounts have been made from points of collection to points of disbursement, without loss to the Treasury, or injury or inconvenience to the trade of the country.

While the fiscal operations of the Government have been conducted with regularity and ease under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under State charters. Requiring, as it does, all dues to the Government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duties and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to



meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited. The amount of specie imported into the United States during the last fiscal year was twenty-four millions one hundred and twenty-one thousand two hundred and eighty-nine dollars; of which there was retained in the country twenty-two millions two hundred and seventy-six thousand one hundred and seventy dollars. Had the former financial system prevailed, and the public moneys been placed on deposit in the banks, nearly the whole of this amount would have gone into their vaults, not to be thrown into circulation by them, but to be withheld from the hands of the people as a currency, and made the basis of new and enormous issues of bank paper. A large proportion of the specie imported has been paid into the Treasury for public dues; and after having been, to a great extent, recoined at the mint, has been paid out to the public creditors and gone into circulation as a currency among the people. The amount of gold and silver coin now in circulation in the country is larger than at any former period.

The financial system established by the Constitutional Treasury has been, thus far, eminently successful in its operations, and I recommend an adherence to all its essential provisions, and especially to that vital provision which wholly separates the Government from all connection with banks, and excludes bank paper from all revenue receipts.

In some of its details, not involving its general principles, the system is defective, and will require modification. These defects, and such amendments as are deemed important, were set forth in the last annual report of the Secretary of the Treasury. These amendments are again recommended to the early and favorable consideration of Congress.

During the past year, the coinage at the mint and its branches has exceeded twenty millions of dollars. This has consisted chiefly in converting the coins of foreign countries into American coin.

The largest amount of foreign coin imported has been received at New York; and if a branch mint were established at that city, all the foreign coin received at that port could at once be converted into our own coin, without the expense, risk,

and delay, of transporting it to the mint for that purpose, and the amount recoined would be much larger.

Experience has proved that foreign coin, and especially foreign gold coin, will not circulate extensively as a currency among the people. The important measure of extending our specie circulation, of both gold and silver, and of diffusing it among the people, can only be effected by converting such foreign coin into American coin. I repeat the recommendation contained in my last annual message for the establishment of a branch of the mint of the United States at the city of New York.

All the public lands which had been surveyed and were ready for market have been proclaimed for sale during the past year. The quantity offered and to be offered for sale, under proclamations issued since the first of January last, amounts to nine millions one hundred and thirty-eight thousand five hundred and thirty-one acres. The prosperity of the western States and Territories in which these lands lie will be advanced by their speedy sale. By withholding them from market, their growth and increase of population would be retarded, while thousands of our enterprising and meritorious frontier population would be deprived of the opportunity of securing freeholds for themselves and their families. But in addition to the general considerations which rendered the early sale of these lands proper, it was a leading object at this time to derive as large a sum as possible from this source, and thus diminish by that amount, the public loan rendered necessary by the existence of a foreign war.

It is estimated that not less than ten millions of acres of the public lands will be surveyed and be in a condition to be proclaimed for sale during the year 1848.

In my last annual message, I presented the reasons which, in my judgment, rendered it proper to graduate and reduce the price of such of the public lands as have remained unsold for long periods after they had been offered for sale at public auction.

Many millions of acres of public lands lying within the limits of several of the western States have been offered in the market, and been subject to sale at private entry for more than

twenty years, and large quantities for more than thirty years, at the lowest price prescribed by the existing laws, and it has been found that they will not command that price. They must remain unsold and uncultivated for an indefinite period, unless the price demanded for them by the Government shall be reduced. No satisfactory reason is perceived why they should be longer held at rates above their real value. At the present period an additional reason exists for adopting the measure recommended. When the country is engaged in a foreign war, and we must necessarily resort to loans, it would seem to be the dictate of wisdom that we should avail ourselves of all our resources, and thus limit the amount of the public indebtedness to the lowest possible sum.

I recommend that the existing laws on the subject of pre-emption rights be amended and modified so as to operate prospectively and to embrace all who may settle upon the public lands and make improvements upon them, before they are surveyed as well as afterward, in all cases where such settlements may be made after the Indian title shall have been extinguished.

If the right of pre-emption be thus extended, it will embrace a large and meritorious class of our citizens. It will increase the number of small freeholders upon our borders, who will be enabled thereby to educate their children and otherwise improve their condition, while they will be found at all times, as they have ever proved themselves to be, in the hour of danger to their country, among our hardiest and best volunteer soldiers, ever ready to tender their services in cases of emergency, and among the last to leave the field as long as an enemy remains to be encountered. Such a policy will also impress these patriotic pioneer emigrants with deeper feelings of gratitude for the parental care of their Government, when they find their dearest interests secured to them by the permanent laws of the land, and that they are no longer in danger of losing their homes and hard-earned improvements by being brought into competition with a more wealthy class of purchasers at the land sales.

The attention of Congress was invited, at their last and the preceding session, to the importance of establishing a territorial government over our possessions in Oregon; and it is to be

regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government. Before the question of limits and boundaries of the territory of Oregon was definitely settled, from the necessity of their condition, the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a territorial legislature, and by a delegate in Congress; and possess all the rights and privileges which citizens of other portions of the territories of the United States have heretofore enjoyed or may now enjoy.

Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally, should be extended over them.

In addition to the inhabitants in that territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year; and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

Congress, at its last session, established post-routes leading to Oregon, and between different points within that territory, and authorized the establishment of post-offices at "Astoria and such other places on the coasts of the Pacific, within the territory of the United States, as the public interests may require." Post-offices have accordingly been established, deputy post-masters appointed, and provision made for the transportation of the mails.

The preservation of peace with the Indian tribes residing west of the Rocky Mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

I recommend that a surveyor-general's office be established in that territory, and that the public lands be surveyed and brought into market at an early period.



I recommend, also, that grants, upon liberal terms, of limited quantities of the public lands be made to all citizens of the United States who have emigrated, or may hereafter within a prescribed period emigrate, to Oregon, and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor.

I refer you to the accompanying report of the Secretary of War for a detailed account of the operations of the various branches of the public service connected with the Department under his charge. The duties devolving on this Department have been unusually onerous and responsible during the past year, and have been discharged with ability and success.

Pacific relations continue to exist with the various Indian tribes, and most of them manifest a strong friendship for the United States. Some depredations were committed during the past year upon our trains transporting supplies for the army, on the road between the western border of Missouri and Santa Fe. These depredations, which are supposed to have been committed by bands from the region of New Mexico, have been arrested by the presence of a military force, ordered out for that purpose. Some outrages have been perpetrated by a portion of the north-western bands upon the weaker and comparatively defenseless neighboring tribes. Prompt measures were taken to prevent such occurrences in future.

Between one and two thousand Indians, belonging to several tribes, have been removed during the past year, from the east of the Mississippi, to the country allotted to them west of that river, as their permanent home; and arrangements have been made for others to follow.

Since the treaty of 1846 with the Cherokees, the feuds among them appear to have subsided, and they have become more united and contented than they have been for many years past. The commissioners appointed in pursuance of the act of June 27, 1846, to settle claims arising under the treaty of 1835-36, with that tribe, have executed their duties; and after a patient

investigation, and a full and fair examination of all the cases brought before them, closed their labors in the month of July last. This is the fourth board of commissioners which has been organized under this treaty. Ample opportunity has been afforded to all those interested to bring forward their claims. No doubt is entertained that impartial justice has been done by the late board, and that all valid claims embraced by the treaty have been considered and allowed. This result and the final settlement to be made with this tribe, under the treaty of 1846, which will be completed and laid before you during your session, will adjust all questions of controversy between them and the United States, and produce a state of relations with them, simple, well-defined, and satisfactory.

Under the discretionary authority conferred by the act of the 3d of March last, the annuities due to the various tribes have been paid during the present year to the heads of families instead of to their chiefs, or such persons as they might designate, as required by the law previously existing. This mode of payment has given general satisfaction to the great body of the Indians. Justice has been done to them, and they are grateful to the Government for it. A few chiefs and interested persons may object to this mode of payment, but it is believed to be the only mode of preventing fraud and imposition from being practiced upon the great body of common Indians, constituting a majority of all the tribes.

It is gratifying to perceive that a number of the tribes have recently manifested an increased interest in the establishment of schools among them, and are making rapid advances in agriculture—some of them producing a sufficient quantity of food for their support, and in some cases a surplus to dispose of to their neighbors. The comforts by which those who have received even a very limited education, and have engaged in agriculture, are surrounded, tend gradually to draw off their less civilized brethren from the precarious means of subsistence by the chase, to habits of labor and civilization.

The accompanying report of the Secretary of the Navy presents a satisfactory and gratifying account of the condition and operations of the naval service during the past year. Our commerce has been pursued with increased activity, and with safety

and success, in every quarter of the globe under the protection of our flag, which the navy has caused to be respected in the most distant seas.

In the Gulf of Mexico, and in the Pacific, the officers and men of our squadrons have displayed distinguished gallantry, and performed valuable services. In the early stages of the war with Mexico, her ports on both coasts were blockaded, and more recently many of them have been captured and held by the navy. When acting in co-operation with the land forces, the naval officers and men have performed gallant and distinguished services on land as well as on water, and deserve the high commendation of the country.

While other maritime powers are adding to their navies large numbers of war-steamers, it was a wise policy on our part to make similar additions to our navy. The four war-steamers authorized by the act of the 3d of March, 1847, are in course of construction.

In addition to the four war-steamers authorized by this act, the Secretary of the Navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers to be employed in the transportation of the United States mail "from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres;" for three steamers to be employed in like manner from Panamá to Oregon, "so as to connect with the mail from Havana to Chagres across the isthmus;" and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built "under the superintendence and direction of a naval constructor in the employ of the Navy Department, and to be so constructed as to render them convertible, at the least possible expense, into war-steamers of the first class."

A prescribed number of naval officers, as well as a post-office agent, are to be on board of them; and authority is reserved to the Navy Department at all times to "exercise control over said steamships," and "to have the right to take them for the exclusive use and service of the United States upon making proper compensation to the contractors therefor."

While these steamships will be employed in transporting the

mails of the United States coastwise, and to foreign countries, upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war-steamers; and the right reserved to take them for public use will add greatly to the efficiency and strength of this description of our naval force. To the steamers thus authorized under contracts made by the Secretary of the Navy, should be added five other steamers authorized under contracts made in pursuance of law by the Postmaster-General; making an addition, in the whole, of eighteen war-steamers, subject to be taken for public use. As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

The enlightened policy by which a rapid communication with the various distant parts of the globe is established, by means of American-built sea-steamers, would find an ample reward in the increase of our commerce, and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice; and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them over and above the postages received.

A just and national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world.

I refer you to the accompanying report of the Postmaster-General for a detailed and satisfactory account of the condition and operations of that Department during the past year. It is gratifying to find that, within so short a period after the reduction in the rates of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the Treasury for that purpose.

The first of the American mail-steamers authorized by the



act of the 3d of March, 1845, was completed and entered upon the service on the 1st of June last, and is now on her third voyage to Bremen, and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement has been made by the Postmaster-General with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other powers with which we may have communications by mail-steamers, except with Great Britain.

On the arrival of the first of the American steamers, bound to Bremen, at Southampton, in the month of June last, the British post-office directed the collection of discriminating postages on all letters and other mailable matter, which she took out to Great Britain, or which went into the British post-office on their way to France and other parts of Europe. The effect of the order of the British post-office is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail-steamers now running between Boston and Liverpool, and if permitted to continue, must speedily put an end to the transportation of all letters and other matter by American steamers, and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws, no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report of the Postmaster-General for a full statement of the facts of the case, and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

The Minister of the United States at London has brought the subject to the attention of the British government, and is

now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements, which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the Postmaster-General, in order to enable him to meet the emergency, and to put our own steamers on an equal footing with British steamers engaged in transporting the mails between the two countries ; and I recommend that such powers be conferred.

In view of the existing state of our country, I trust it may not be inappropriate, in closing this communication, to call to mind the words of wisdom and admonition of the first and most illustrious of my predecessors, in his farewell address to his countrymen.

That greatest and best of men, who served his country so long, and loved it so much, foresaw, with "serious concern," the danger to our Union "of characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views," and warned his countrymen against it.

So deep and solemn was his conviction of the importance of the Union and of preserving harmony between its different parts, that he declared to his countrymen in that address, "it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

After the lapse of half a century, these admonitions of Washington fall upon us with all the force of truth. It is difficult to estimate the "immense value" of our glorious Union

of confederated States, to which we are so much indebted for our growth in population and wealth, and for all that constitutes us a great and happy Nation. How unimportant are all our differences of opinion upon minor questions of public policy, compared with its preservation; and how scrupulously should we avoid all agitating topics which may tend to distract and divide us into contending parties, separated by geographical lines, whereby it may be weakened or endangered!

Invoking the blessing of the Almighty Ruler of the Universe upon your deliberations, it will be my highest duty, no less than my sincere pleasure, to co-operate with you in all measures which may tend to promote the honor and enduring welfare of our common country.

A great part of this message is occupied with affairs relating to Mexico, indicating in general terms the course and conduct of the Administration. The President here again takes occasion to impress upon Congress and the country the position he had at first occupied, and Congress had sanctioned, that Mexico had begun the war, and was responsible for it.

The question of indemnity is handled with great care, the President assuming that Mexico having nothing but land to give, the country should at once be aware that only by accession of territory could this Nation ever be indemnified for Mexican spoliation, and the expenses of the war; and recommended that steps be taken to organize permanent governments in California and New Mexico, with a view to holding them as a part of the United States without reference to the treaty. But he takes occasion to clear himself of any connection with the scheme to absorb all Mexico, in the interest of the slave-holding section of the Union. This he deemed

necessary on account of extensive charges to this effect throughout the country. Mr. Polk was not in sympathy with any such designs. How far his secret views differed from those even of the regular mass of his party was never known during his life. The position of Mr. Polk as to slavery is for the first time fully set forth in another part of this volume. With this knowledge the true meaning of such appeals to the country as are made in the closing page of this message can readily be seen.

On the first day of 1847, the new independent treasury had gone into effect, and the message in the most exultant manner sets forth its beneficial results. The only wonder at this day is that an apology or argument was necessary for the United States Treasury, and that there were so many men of mind, not mentioning a whole party, then opposed to its establishment. The war with Mexico still absorbed most other interests, and few important measures were brought before Congress at this long session. An appropriation was made authorizing the purchase of the remaining letters and writings of President Madison. A loan of \$16,000,000 was also authorized.

A bill for organizing a territorial government in Oregon brought out in the discussions of Congress all the bitterness, formerly started afresh on the subject of slavery, by the Wilmot Proviso. The laws of Mexico inimical to slavery were now discussed as to their supposed bearing upon territory ceded to the United States. Mr. Calhoun now bent all his energies to the defense and extension of slavery, as if



this had become the only purpose and ambition of his life. Toward the close of the last session he had introduced his positive slavery resolutions as follows:—

*“Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.*

*“Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States acquired or to be acquired.*

*“Resolved, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating, with their property, into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself.*

*“Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be republican; and that the imposition of any other by Congress would not only be in violation of the Constitution, but in direct conflict with the principle on which our political system rests.”*

The day of compromise on this question had passed with him. But notwithstanding all Mr. Calhoun's efforts, these resolutions were never acted upon. In 1820, as a member of the Cabinet of James Monroe he had given his support to the Missouri Compromise, and strange to say, that now when a motion was made by Stephen A. Douglas, a Senator from Illinois, to add an amendment to the Oregon bill to extend the compromise line, the slavery line, to the Pacific Ocean, he voted for the amendment. But he did not vote for the whole bill. This had the old anti-slavery clause of the territorial ordinance of 1787, excluding slavery from the North-western Territory, in it. Upon the strength of this measure Mr. Calhoun, in his place in the Senate, declared the Union to be at an end. He said :—

“ The great strife between the North and the South is ended. The North is determined to exclude the property of the slaveholder, and of course the slaveholder himself, from its territory. On this point there seems to be no division in the North. In the South, he regretted to say there was some division of sentiment. The effect of this determination of the North was to convert all the Southern population into slaves ; and he would never consent to entail that disgrace on his posterity. He denounced any Southern man who would not take the same course. Gentlemen were greatly mistaken if they supposed the Presidential question in the South would override this more important one. The separation of the North and the South is completed. The South has now a most solemn obligation to perform—to herself—to the Constitution—to the Union. She is bound to come to a decision not to permit this to go on any further, but to show that, dearly as she prizes

the Union, there are questions which she regards as of greater importance than the Union. She is bound to fulfill her obligations as she may best understand them. This is not a question of territorial government, but a question involving the continuance of the Union. Perhaps it was better that this question should come to an end, in order that some new point should be taken."

The President signed the Oregon bill, and with it made an appeal to Congress in support of the Missouri Compromise, the Texas reaffirmation of it, and the general spirit of conciliation, placing the benefits of the Union above these considerations. In the discussion on the Oregon bill, Mr. Calhoun made this statement:—

"But I deny that the laws of Mexico can have the effect attributed to them (that of keeping slavery out of New Mexico and California). As soon as the treaty between the two countries is ratified, the sovereignty and authority of Mexico in the territory acquired by it become extinct, and that of the United States is substituted in its place, carrying with it the Constitution, with its overriding control over all the laws and institutions of Mexico inconsistent with it."

Of this speech Mr. Benton wrote:—

"History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States, for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a territory unless imparted to it by act of Congress. Slavery, as a local institution, can only be established by a local legislative authority. It can not

transmigrate—can not carry along with it the law which protects it; and if it could, what law would it carry? The code of the State from which the emigrant went? Then there would be as many slavery codes in the territory as States furnishing emigrants, and these codes all varying more or less; and some of them in the essential nature of the property—the slave, in many States, being only a chattel interest, governed by the laws applicable to chattels—in others, as in Louisiana and Kentucky, a real estate interest, governed by the laws which apply to landed property. In a word, this dogma of the self-extension of the slavery part of the Constitution to a territory is impracticable and preposterous, and as novel as unfounded.”



## CHAPTER XXIV.

END OF THE WAR—THE TREATY—THE ACQUISITION—ITS  
COST—THE TRIALS—GENERAL BUTLER LEADS THE  
ARMY OUT OF MEXICO.

ON the 22d of February, the President sent the treaty signed on the part of Mr. Trist with Mexico, to Congress, and in his short message took occasion to say:—

“It was not expected that Mr. Trist would remain in Mexico, or continue in the exercise of the functions of the office of commissioner, after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to; but, conforming as it does, substantially, on the main questions of boundary and indemnity, to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated, as I am, by the spirit which has governed all my official conduct toward Mexico, I have felt it to be my duty to submit it to the Senate for their consideration, with a view to its ratification.

“To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of Texas belong to that State, and this Government has no power to dispose of them, or to change the

conditions of grants already made. All valid titles to lands within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I therefore submit that this article should not be ratified as a part of the treaty."

After a sharp debate lasting until the 10th of March, and striking out the tenth article relating to Texas land titles, and making a few amendments, the Senate ratified the treaty by a vote of 38 to 14. Ambrose H. Sevier, of Arkansas, and Nathan Clifford, of Maine, afterwards a justice of the Supreme Court, were appointed to carry the treaty to Mexico for the approval of that government. Among those who voted against the treaty were Thomas Corwin and William Allen, of Ohio, John M. Berrien, Daniel Webster, Stephen A. Douglas, and Thomas H. Benton.

On the 24th of May, 1848, Sevier and Clifford reached Queretaro, where they found the Mexican Congress in session. On the same day the treaty was accepted by a vote of 33 to 4, and on the 30th finally ratified by the Senate. On the 19th of June the President issued his proclamation to the people of the United States, stating the result of the negotiations and declaring peace.

## TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT,

BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC.

### ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

## ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

## ARTICLE III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same conditions) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports collected at such custom-houses or elsewhere in Mexico by authority of the United States,

from and after the day of ratification of this treaty by the government of the Mexican republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

#### ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The City of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, etc.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.



If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

#### ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it

empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled: "Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York in 1847, by J. Disturnell;" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Fantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and mark out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be

religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

#### ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should, in whole or in part, run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

#### ARTICLE VII.

The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle, between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to

establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

#### ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample, as if the same belonged to citizens of the United States.

#### ARTICLE IX.

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitu-



tion ; and in the meantime shall be maintained and protected in the enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

## ARTICLE X.

[Stricken out.]

## ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary ; and that when they can not be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures ; and its agent shall pay the expenses incurred in the

maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

#### ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the City of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual installments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the

installments shall be paid at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

#### ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

#### ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

#### ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided, that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention,

concluded at the City of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister of Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

#### ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

#### ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the City of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein, it being understood that each of the contracting parties reserves to itself the right, at any



time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind, the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:—

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all

such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to re-ship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or State, to pay

any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be

acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

## ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war shall unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:—

1. The merchants of either republic then residing in the other, shall be allowed to remain twelve months (for those dwelling in the interior), and six months (for those dwelling at the sea-ports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance; conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting the unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments, for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.



2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be

free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided, and during which its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratification shall be exchanged in the City of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST,	[L. S.]
LUIS G. CUEVAS,	[L. S.]
BERNARDO COUTO,	[L. S.]
MIGL. ATRISTAIN.	[L. S.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro, on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, commissioners on the part of the Government of the United States, and by Señor Don Luis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that government:

Now, therefore, be it known, that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every

clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fourth day of July, one thousand eight hundred and forty-eight, and of [L. s.] the Independence of the United States the seventy-third.

By the President: .

JAMES K. POLK.

JAMES BUCHANAN, Secretary of State.

Considering that the value of California was then unknown, and that by this treaty the Government of the United States took upon itself the function of a police force on the northern border of Mexico, and became responsible for the damages of Indian depredations, the price for the ceded territory was a good one, especially when to this is added the cost of the war and the loss of life on the battlefield, and from diseases of the climate. To this must also be added the three and a quarter millions to be allowed as indemnity to citizens of the United States on account of Mexican spoliation, now assumed by this Government.

All Mexican obligations were to be canceled, and the United States became the debtor of Mexico to the amount of fifteen millions of dollars on six per cent interest.

It appeared to be a good bargain for Mexico. She was better off when the war ended than when it began, her debts canceled, and a strong power sworn to keep her secure and comfortable on her northern border from incursions from the savages.

To this all must be added the secret gratification to Mexico that the money to be paid by the United States is made to appear on account of the cession of territory; that is, establishing new boundaries between the two countries, and one of these boundaries being the middle of the Rio Grande; therefore, after all having the moral force, at least, of including Texas in the ceded territory.

On the 29th of May General Butler announced to the army the end of the war; on the following day began the evacuation of the City of Mexico; on the 12th of June the Stars and Stripes gave place to the Mexican flag on the Capitol and Palace, and the last troops marched towards Vera Cruz; and by the last of July all the fierce North Americans had withdrawn from the territory of Mexico. The honor of closing up the affairs of the army and leading it from Mexico fell to General Butler. Although this was in itself a thing that might have been done by many another, it singularly enough, gave Butler an immediate political prominence. It would have been just and honorable for General Scott to have the pleasure of winding up the affairs of his great campaign and leading towards home an army much attached to him, notwithstanding his disposition to quarrel with those who came in the way of privileges he held for himself. The General's manner towards the Administration was at times irritating, there is no doubt, but his character and method of dealing were well understood before, and his removal from the command of the army in



Mexico was uncalled for and inconsiderate, if not founded on partisan considerations, and a wish, as he had claimed, of degrading him before the country. The letter of the 13th of January from the Secretary of War notifying him that, "In view of the present state of things in the army under your immediate command, and in compliance with the assurance contained in my reply to your letter of the 4th of June, wherein you ask to be recalled, the President has determined to relieve you from further duty as commanding general in Mexico," has hardly the ring of sincerity about it. Although his contention with Worth and Pillow and others was not admirable in the General-in-chief, and the whole squabble about the honors may not appear to the unmilitary reader as the highest display of patriotism, yet Scott's suspension from the command of the army, and the organization of a court for his trial on the very scene of his magnificent successes as a military leader, present, by no means, an agreeable picture. It was a humiliating spectacle which might have been spared him to the credit of the Administration, however well founded its cause of complaint against him. Nothing good to anybody came of the arrests and trials, and indeed, as in all other such cases, it was a foregone conclusion that nothing would come of them. They subserved the purpose of making more unpopular a war that has never been an especial cause of pride to Americans, save in the apparently splendid achievements of their armies.

The territorial acquisitions of this war were very great, and although their cost in blood and money was enormous, it would be difficult now to estimate their value, especially that of California, to this country. It is inestimable. For this over fifteen thousand men were actually killed in battle, or died of wounds received in battle before the first of January, 1848. At that date six thousand had died of diseases contracted in Mexico; five thousand five hundred were discharged by reason of disabilities contracted in the service, many of whom died on their way home, or afterwards; and two or three thousand died of disease after the 1st day of January, 1848. Of the enormous number of deserters (about five thousand) many died of disease and were killed in battle, to say nothing of the large number General Scott hanged in the Valley of Mexico. During the war about one hundred thousand men including the old regulars were called into the service, although some of these never reached the scene of action, and some of them did not even leave their homes. More than seventy-five thousand actually saw service of some kind in Mexico. The number mustered out of service fell several thousands short of the number enrolled, and these never were accounted for. They were among the unknown dead and missing. Besides the fifteen or twenty thousand lives estimated as lost in this war, of the fifty or sixty thousand that returned home, a vast number brought with them the seeds of diseases from which they never recovered, and from which many

died, or lived wretched lives. Had the advice of Thomas H. Benton and some other leading Democrats been followed, or had Martin Van Buren or Henry Clay been elected President, it is quite certain there would have been no war with Mexico, and it is equally certain, perhaps, that the annexation of Texas would have been accomplished peaceably in the course of time. But it is needless to speculate about what might have been, or, indeed, what should have been. And from this date looking back over the events of a third of a century few men would care to say that the present would be better had the affairs of that day fallen under the guidance of other hands. The history of the past ever carries with it the extraordinary and unsatisfactory problem of what might have been. But one great lesson of history undoubtedly is, that the affairs of this earth even, have resulted more beneficially than could have been provided for in the wisdom of men.

## CHAPTER XXV.

TERRITORY OF THE UNITED STATES—TREATIES AND  
BOUNDARIES—"RE-ANNEXATION" OF TEXAS  
A PARTY CRY.

THE treaty of peace providing for the independence of this country was signed at Paris on the last day of September, 1782. In that treaty are the following articles, covering the matter of boundaries:—

"ARTICLE I.—His Britannic Majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, proprietary, and territorial rights of the same, and every part thereof. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.:—

"ARTICLE II.—From the north-west angle of Nova Scotia, viz.: That angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the Highlands which divide those rivers that empty themselves into the River St. Lawrence



from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Phelippeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods; thence through the said lake to the most north-western point thereof, and thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of said River Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Appalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United

States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia."

Some difficulties arose concerning the boundary, here somewhat vaguely fixed, on the St. Croix River. In Mr. Jay's celebrated and wise treaty of 1794, a provision was made for the appointment of commissioners by this country and England to settle the true meaning and character of the St. Croix River line. But the affair was troublesome, and in 1798, an explanatory clause was added to this treaty by Lord Grenville on the part of England, and Rufus King, then minister to Britain, on the part of this Government. Still nothing was accomplished in the adjustment of the difficulty, and years of ill-feeling passed from bad to worse between the two nations. In the meantime other doubts and misunderstandings arose as to other parts of the northern boundary among the great lakes and their water communications. The Treaty of Ghent again made provision for the appointment of commissioners and the final settlement of the whole question of boundaries. On the 24th of November, 1817, the commissioners decided that

"Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does, belong to the United

States of America ; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, do belong to his Britannic Majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three."

In the convention concluded October 20, 1818, at London, by the ministers of the United States and the government of England, touching the fisheries, boundaries, etc., it is said :—

"ARTICLE II.—It is agreed that a line drawn from the most north-western point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with said parallel, shall be the line of demarkation between the territories of the United States and those of his Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of his Britannic Majesty, from the Lake of the Woods to the Stony (Rocky) Mountains.

"ARTICLE III.—It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers ; it being well understood that this agreement is not

to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country ; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

In another convention ratified April 2, 1828, bearing upon and continuing the former convention, it was declared :—

"ARTICLE II.—It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention ; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

"ARTICLE III.—Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains."

Provision was also made at this time for referring the differences which had arisen between the boundary commissioners to friendly arbitration. On the 18th of June, 1832, at Utica, New York, the commissioners at last reached an apparently final decision concerning the disputed boundary between England and this country on the northern rivers and lakes, carefully and elaborately itemizing every point then in doubt or dispute, and every one liable to be a matter of contention in the future. The treaty signed at Paris, April 30, 1803, between France and the



United States, for the purchase of Louisiana, contains only this vague statement concerning the boundaries of the acquired territory :—

“ARTICLE I.—Whereas by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an. 9 (1st October, 1800,) between the first consul of the French Republic and his Catholic Majesty, it was agreed as follows : ‘His Catholic Majesty promises and engages on his part to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness, the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it ; and such as it should be after the treaties subsequently entered into between Spain and other States.’ And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestable title to the domain and to the possession of the said territory : The first consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above mentioned treaty, concluded with his Catholic Majesty.

“ARTICLE II.—In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property.”

The treaty with Spain, signed at Washington, February 22, 1818, ratified by Spain, October 24,

1820, and finally by the United States, February 19, 1821, the main object of which was the acquisition of Florida, territory entirely east of the Mississippi, fixed the boundary of the territory west of that river, acquired from France in 1803; and which lay against the possessions of Spain west of Louisiana, the boundary of which had not been settled upon definitely, and which had been more or less vague and unimportant in the treaties of France and Spain. The Florida Treaty says:—

“ARTICLE II.—His Catholic Majesty cedes to the United States in full property and sovereignty, all the territories which belong to him, situated to the east of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

“ARTICLE III.—The boundary line between the two countries west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the River Sabine, in the sea, continuing north along the western bank of that river, to the 32d degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degrees of longitude 100° west from London and 23° from Washington; thence crossing the said Red River, and running thence by a line due north to the River Arkansas; thence following the course of the southern bank of the Arkansas, to its source,

in latitude 42 north; and thence by that parallel of latitude to the South Sea (Pacific Ocean). The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But, if the source of the Arkansas River shall be found to fall north or south of latitude 42 north, then the line shall run from the said source, due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel to the South Sea. All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations. The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say: the United States hereby cede to his Catholic Majesty, and renounce forever all their rights, claims, and pretensions to the territories lying west and south of the above-described line, and, in like manner, his Catholic Majesty cedes to the said United States, all his rights, claims, and pretensions, to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

“ARTICLE IV.—To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year, from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the

latitude of the source of said River Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude  $42^{\circ}$  to the South Sea; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary."

In the "convention" with Russia, signed April 17, 1824, and ratified on the 11th of January, 1825, is found this agreement:—

"ARTICLE III.—It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent to the north of fifty-four degrees and forty minutes of north latitude; and that in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel."

On the 12th of January, 1828, a treaty was signed in the City of Mexico, and ratified at Washington, April 15, 1832, reaffirming the line of the Spanish treaty of 1819, between Mexico (now independent of Spain) and the United States. After the Mexican province of Texas declared its independence of Mexico, it reaffirmed the boundary treaty between Mexico and the United States, and in a convention ratified at Washington, October 12, 1838, provision was made for better marking the boundary of the Sabine to the Red River. Misunderstandings and varying



interpretations existed concerning the boundaries fixed by the treaty of peace, treaty of Gaudalupe Hidalgo, with Mexico in 1848, which led to another treaty, ratified at Washington, June 30, 1854, rearranging the boundary to the benefit of the United States, at a consideration of ten millions of dollars.

The main part of the first article of this treaty of 1854, reads :—

“ The Mexican Republic agrees to designate the following as her true limits with the United States, for the future : retaining the same dividing line between the two Californias as already defined and established, according to the fifth article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows : Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo ; thence, as defined in the said article, up the middle of that river to the point where the parallel of thirty-one degrees, forty-seven minutes, north latitude, crosses the same ; thence due west one hundred miles ; thence south to the parallel of thirty-one degrees, twenty minutes, north latitude ; thence, along the said parallel of thirty-one degrees, twenty minutes, to the one hundred and eleventh meridian of longitude west from Greenwich ; thence in a straight line to a point on the Colorado River, twenty English miles below the junction of the Gila and Colorado Rivers ; thence up the middle of the said River Colorado until it intersects the present line between the United States and Mexico.”

In a former chapter in this volume may be found the treaty with Great Britain in 1846, fixing the boundary between that government and this on the

Pacific in the forty-ninth degree of north latitude; and in the next preceding volume of this work may be seen the Tyler, or Webster and Ashburton Treaty, ratified August 22, 1842, and finally disposing of the long-standing question of boundaries on the lakes and rivers of the north between the United States and the British possessions. The territory of the United States, therefore, comprises :—

First. That within the limits described in the Treaty of Paris, the Treaty of Independence, definitely signed September 3, 1783.

Second. That within the territories of Orleans and Louisiana, acquired from France in 1803, which included parts of Alabama and Mississippi, all of Arkansas, Louisiana, Missouri, Iowa, that part of Minnesota west of the Mississippi River and the British line of 1783, the Indian Territory, Kansas, Nebraska, Dakota, a part of Wyoming, and all of Montana, Idaho, Washington, and Oregon.

Third. That within the State of Florida, added by the treaty of 1819.

Fourth. That added by the treaties of 1848 and 1854 with Mexico, including Colorado, New Mexico, Arizona, Nevada, Utah, and California.

Fifth. The Territory of Alaska purchased from Russia in 1867.

For the first ten or twelve years after the acquisition of Louisiana there was no claim set up in this country to the ownership of the Mexican (Spanish) territory of Texas. Indeed, so far was this country from claiming that territory under the purchase of

1803, although Mr. Jefferson believed in our right to it, that during the disputes and difficulties with Spain about Florida, while Mr. Madison was President a proposition was made to Spain to exchange a part of Louisiana, bordering on Texas, for the Floridas, thus more completely consolidating the Spanish territory, and removing the cause of contention between the two nations. At this time, too, Spain complained of the disposition of citizens of the United States to foment the spirit of rebellion then manifested in her Mexican provinces. At the close of the war there was a decided tendency in the South to filibuster in that direction.

In the summer of 1815 steps were taken, especially in Louisiana, to wrest Texas from the Spanish government. So unjust and dangerous did President Madison regard the movement, that he issued a proclamation against it, dated at Washington, September 1, 1815, in which are these words :—

“Whereas, information has been received that sundry persons, citizens of the United States, or residents within the same, and especially within the State of Louisiana, are conspiring together to begin and set on foot, provide and prepare the means for, a military expedition or enterprise against the dominions of Spain, with which the United States are happily at peace; that for this purpose they are collecting arms, military stores, provisions, vessels, and other means; are deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have therefore thought to issue this, my proclamation,

warning and enjoining all faithful citizens, who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay ; and commanding all persons who are engaged or concerned in the same, to cease all further proceedings therein, as they will answer the contrary at their peril."



## CHAPTER XXVI.

## THE PRESIDENT VISITS NEW ENGLAND—PRESIDENTIAL ELECTION—"ROUGH AND READY."

CONGRESS adjourned, as has been said, on the 14th of August, 1848, when the presidential campaign was in full blast. Two remarkable men, "destined" to perform conspicuous parts in public affairs, appeared in Congress at the beginning of this long session, Abraham Lincoln and Horace Greeley. Little did any member of that body then suspect that one of them would become President, and that the other, who was then ridiculed as the editor of a newspaper, and an Abolition one, at that, and considered a disgrace to the House of Representatives, because he was an editor of a newspaper, would be himself supported for the Presidency by the very men who were then unwilling to recognize him. Mr. Polk was not a candidate for re-election. His original assertion to that effect was not a mere farce. He was broken down, and yearned for rest and retirement. The task had been too much for him, although he never shrank from its duties and obligations. When his friends, some of them, proposed again bringing him before the Baltimore convention in May, he wrote to one of

the members from his own State, J. G. M. Ramsey, this letter :—

“WASHINGTON CITY, May 19, 1848.

“DEAR SIR,—From speculations which have appeared in some of the public journals, and from frequent inquiries which have been made of me, by many political friends, some of them delegates to the Democratic National Convention, which will assemble at Baltimore on the 22d instant, I am induced to suppose that it may be the desire of some of my friends to propose my renomination, as the candidate of the Democratic party, for the office of President of the United States. Should you ascertain that such is the intention of any of the delegates, I desire, through you, to communicate to the convention that I am not a candidate for the nomination, and that any use of my name with that view, which may be contemplated, is without any agency or desire on my part.

“The purpose declared in my letter of the 12th of June, 1844, in accepting the nomination tendered to me by the Democratic National Convention of that year, remains unchanged; and to relieve the convention from any possible embarrassment which ‘the suggestion of my name might produce in making a free selection of a successor who may be best calculated to give effect to their will, and guard all the interests of our beloved country,’ I deem it proper to reiterate the sentiments contained in that letter. Since my election, I have often expressed the sincere desire, which I still feel, to retire to private life at the close of my present term.

“I entertain the confident hope and belief that my Democratic friends of the convention will unite in the harmonious nomination of some citizen to succeed me, who, if elected, will firmly maintain and carry out the great political principles introduced in the resolutions adopted by the Democratic National Convention in 1844; principles which it has been the earnest endeavor and

the constant aim of my Administration to preserve and pursue, and upon the observance of which, in my opinion, mainly depend the prosperity and permanent welfare of our country.

“If, on reviewing the history of my Administration, and the remarkable events, foreign and domestic, which have attended it, it shall be the judgment of my countrymen that I have adhered to these principles and faithfully performed my duty, the measure of my ambition is full, and I am deeply compensated for all the labors, cares, and anxieties, which are inseparable from the high station which I have been called to fill.

“I shall ever cherish sentiments of deep gratitude to my fellow-citizens for the confidence they reposed in me, in elevating me to the most distinguished and responsible public trust on earth.

“It is scarcely necessary that I should add, that it will be no less my duty than it will be my sincere pleasure, as a citizen, to unite with my Democratic friends in the support of the nominees of the convention for the offices of President and Vice-President of the United States. With great respect, I am your obedient servant,

“JAMES K. POLK.

“To DR. J. G. M. RAMSEY.”

The great events of Mr. Polk's Administration having been disposed of, it only becomes necessary to follow him to the end in other matters of some general worth. Early in June, 1847, notwithstanding the exciting state of public affairs, Mr. Polk, with Mr. Mason, went down to North Carolina and delivered a speech at the University, technically, or youthfully termed, his “*Alma Mater*,” where he had “completed” his literary education.

On the 22d of June, 1847, President Polk set

out from Washington for a tour to New England, accompanied by the Attorney-General, Mr. Clifford, and several others. He could not be accused of undertaking this journey from political motives, for his aspirations in that way were gone. He was determined to withdraw to private life in a few months, and was making this trip to gratify his desire merely to know personally of the people and country. At Baltimore Mrs. Polk and her niece, Miss Rucker, left the company to go to Tennessee. Before leaving the Capital the route, mode of conveyance, kind of receptions, etc., were arranged and expenses provided for by party friends. The chief clerk of the Naval Department, John Appleton, who accompanied the President for the purpose, wrote an account of the trip, and presented it to Mrs. Polk, who still has some notions of having it printed. The manuscript covered only about one hundred and fifty well written pages and was bound in morocco.

Appleton says they dashed off in grand style from Washington, but were really insignificant with all their greatness, as compared with the telegraph which flashed off the news of their coming. The reception in Baltimore was very satisfactory to the President, and there he made the following speech at the hotel, in reply to Mayor Davis:—

“ I acknowledge gratefully the kind reception I have met with to-day among the people of Baltimore, and the tender of the hospitalities of the city, which you have now made as the organ of the municipal authorities. I have, indeed, been welcomed in the most gratifying manner,



to one of the most beautiful and interesting cities in our whole country, renowned as it has been in our history, by the memorials of the gallant achievements of her sons. In the presence of so much hospitality and courtesy I feel myself in the society of my countrymen, and in the home of friends. I have long desired to visit you, but it has not before been convenient for me to do so. After more than two years of almost constant confinement, and of unremitting attention to my responsible public duties, I have availed myself of the present occasion when I have reason to suppose I can without detriment to the public service be absent for a few days from the Seat of Government. The purpose of my brief visit is to pay my respects to my fellow-citizens of Baltimore and of the northern section of this country. Had I postponed it beyond the present summer, it is not probable that any other convenient opportunity to make it would have occurred during the period of my term of official service, at the close of which I shall retire to private life. And I hope, sir, to retire leaving the Administration of my country in the hands of a worthy successor, and that country which had honored me so much I trust to commit to that successor prosperous and happy."

All Baltimore, with its association of "Defenders," schools, etc., called on the President, and his reception was no doubt extremely gratifying to him. On the 23d he continued his journey. From Wilmington, Delaware, where he had another flattering reception, he went in the steamer *George Washington*, which had brought the committee from Philadelphia for him, to that city.

They ate at Wilmington and also took dinner on the boat on the way to Philadelphia; in fact, on the whole route the President was treated as a vulgar

eating machine, and no wonder that he had the diarrhoea, and was so reduced and weak that he contemplated, at different times, giving up and returning to Washington. Reaching Philadelphia in the afternoon, he was received as ceremoniously as if he had been an emperor, and marched through the streets with a magnificent procession, and that night lodged at the residence of Mr. Dallas, the Vice-President. On the 24th, he visited Girard College, the public buildings of interest, and the mint, and at the mint some medals bearing his face were struck. He received the people and made a little speech at the Old State House, in Independence Square, and at night had a grand levee at General Robert Patterson's.

On the morning of the 25th, he started for New York, taking the steamer at South Amboy. On this boat he had to listen to an address in his behalf, and he himself made quite a long speech. He sailed up the Bay in grand style, and at three o'clock landed at Castle Garden, where the mayor received him in a pompous speech, and he made a short reply. His reception in New York was on a magnificent scale. A procession of two or three miles in length accompanied him through some of the principal streets to the Astor House, where rooms were provided for him. In New York he was shown all the objects of interest; at the asylum for the blind, was addressed in poetry by a pupil, made a speech at Tammany Hall, visited Brooklyn, on Sunday attended church three times, and on Monday morning, June 28th, started

for New Haven. This place he entered under a flag bearing the inscription, "Welcome to New England."

On the outskirts of the city of Hartford, the Presidential company halted at the residence of Mrs. Sigourney while the poet gave the principal travelers a drink of water. At Boston, Mayor Josiah Quincy, Jr., received the visitor in a neat speech, to which he briefly replied. The chronicler says that, "On the whole Boston acquitted itself very handsomely in its reception of the President," in spite of the rainy weather and the opposition of one of the leading newspapers.

Mr. Polk visited Harvard College, but the degree of LL. D. was not conferred upon him, as it had been upon one of his predecessors, greatly to the disgust of John Quincy Adams.

In a speech at Concord, New Hampshire, the President said :—

"In observing the diffused intelligence and robust industry of their people, I have felt more than ever my great responsibilities to my country, and deeper has become my anxiety to study its welfare. But I rejoice to know that these responsibilities, weighty as they are, are not mine alone, but are shared with you, and with all our fellow-citizens; for here it is not with the rulers, but with the people, that abide the strength and glory of our free institutions, the stability and permanence of our happy Union. . . .

"To sustain my country's interests and preserve her honor unimpaired, has, also, been my effort in the station I have been called to occupy, at a momentous period of public affairs. In this period, great questions have arisen,

and been decided, whose final results must excite the most earnest interest of the whole Union. Whatever they may be, I have the consciousness to rest on, of having endeavored to discharge my duty, always humbly relying upon the providence of Him in whose hands are the destinies of men and of nations."

The reception of the President in Maine was of the most extensive and cordial character. He was the first President to enter that State after its admission to the Union, and the people were glad to make it a notable occasion. Governor Dana and the State Legislature received him at the State Capital, and at Portland, Portsmouth, and other towns he was treated with distinguished attentions. In this State he made (at Augusta and Portland) the most considerable speeches of the tour. In his speech at Augusta, he said :—

"In other countries the monarch rules, and the people are required to obey; but in this country, thank God, there is no monarch but the people themselves, no allegiance but to the Constitution and laws which they approve, and no power which they do not give and can not take away. . . .

"To the Constitution, then, and the union of the States which it establishes, let us all look, as to the pole-star of our country's hopes, and the surest safeguard of human liberty throughout the world. He who would inflict a blow upon a frame of society, thus glorious alike in its formation and its results, would hazard a calamity which no patriot and no lover of his race can contemplate without alarm. Let the Union be dissolved, and instead of the spectacles which we now present to the world, of a united confederacy of happy and prosperous States, we



shall exhibit as the mournful fruit of (suicidal) councils, an extended series of petty principalities, without harmony in either, and wasting their resources and their energies by worrying among themselves. Dissolve the Union and the last example of freedom to the oppressed will at once be destroyed, and the only hope of man for well regulated government will be lost forever from the earth. In comparison with the vast importance and the sacred duty of maintaining such a Union, how poor and insignificant are all of our little local jealousies, and all our divisions of individual opinion! In support of the Constitution, however we may differ on other and minor subjects, all sects and all parties may freely and cordially unite, and before the altar of the Union, bow down in a common worship, as citizens of one country, and brethren of the same great family."

These are noble words, and there need be no doubt that Mr. Polk would have sustained them in his life had he lived twenty-five years longer.

The President returned through Newburyport, Salem, Lynn, etc., and at Fall River took steamer for New York. His second Sunday, which was the 4th of July, was spent at Portland, and there he attended Church twice, and in the evening quietly received a few friends. On the 6th he left New York on his return to Washington, the journey, in the main, having been without unpleasant incidents, and on the whole quite gratifying to him.

The Presidential election came off in November, 1848, and resulted in the success of General Taylor and Millard Fillmore, the Whigs, and the defeat of Lewis Cass and William O. Butler. The Democratic candidates were not President Polk's first

choice, but he gave himself no uneasiness as to his successor. He was greatly attached to Franklin Pierce, and he much desired to advance the political interests of Thomas H. Benton, although Mr. Benton did not sustain the principle on which he was elected, nor did he support with any warmth some features of his official course, and opposed his treaty of peace with Mexico, and much of his conduct, and, indeed, among all the Democratic politicians of the country none looked so unfavorably on Mr. Polk's Administration throughout, as did Mr. Benton.

## CHAPTER XXVII.

PRESIDENT POLK'S LAST ANNUAL MESSAGE—ANOTHER  
APPEAL FOR THE UNION—HUMAN  
SLAVERY.

CONGRESS convened on the 4th of December, 1848, and continued in session till the 3d of March, 1849. On the following day President Polk sent in his last annual message.

## FOURTH ANNUAL MESSAGE.

*December 5, 1848.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

Under the benignant providence of Almighty God, the Representatives of the States and of the people are again brought together to deliberate for the public good. The gratitude of the Nation to the sovereign arbiter of all human events, should be commensurate with the boundless blessings which we enjoy.

Peace, plenty, and contentment, reign throughout our borders, and our beloved country presents a sublime moral spectacle to the world.

The troubled and unsettled condition of some of the principal European powers has had a necessary tendency to check and embarrass trade, and to depress prices throughout all commercial nations; but notwithstanding these causes, the United States, with their abundant products, have felt their effects less severely than any other country, and all our great interests are still prosperous and successful.

In reviewing the great events of the past year, and contrasting the agitated and disturbed state of other countries with our own tranquil and happy condition, we may congratulate ourselves that we are the most favored people on the face of the earth. While the people of other countries are struggling to establish free institutions, under which man may govern himself, we are in the actual enjoyment of them, a rich inheritance from our fathers. While enlightened nations of Europe are convulsed and distracted by civil war or intestine strife, we settle all our political controversies by the peaceful exercise of the rights of freemen at the ballot-box. The great republican maxim so deeply engraven on the hearts of our people, that the will of the majority, constitutionally expressed, shall prevail, is our sure safeguard against force and violence. It is the subject of just pride, that our fame and character as a nation continue rapidly to advance in the estimation of the civilized world. To our wise and free institutions it is to be attributed, that while other nations have achieved glory at the price of the suffering, distress, and impoverishment of their people, we have won our honorable position in the midst of an uninterrupted prosperity, and of an increasing individual comfort and happiness. I am happy to inform you that our relations with all nations are friendly and pacific. Advantageous treaties of commerce have been concluded within the last four years with New Grenada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. Pursuing our example, the restrictive system of Great Britain, our principal foreign customer, has been relaxed; a more liberal commercial policy has been adopted by other enlightened nations, and our trade has been greatly enlarged and extended. Our country stands higher in the respect of the world than at any former period. To continue to occupy this proud position, it is only necessary to preserve peace, and faithfully adhere to the great and fundamental principles of our foreign policy, of non-interference in the domestic concerns of other nations. We recognize in all nations the right which we enjoy ourselves, to change and reform their political institutions according to their own will and pleasure. Hence we do not look behind existing governments, capable of maintaining their own authority. We



recognize all such actual governments, not only from the dictates of true policy, but from a sacred regard for the independence of nations.

While this is our settled policy, it does not follow that we can ever be indifferent spectators of the progress of liberal principles. The Government and people of the United States hailed with enthusiasm and delight the establishment of the French Republic, as we now hail the efforts in progress to unite the States of Germany in a confederation, similar in many respects to our own Federal Union. If the great and enlightened German States, occupying, as they do, a central and commanding position in Europe, shall succeed in establishing such a confederated government, securing at the same time to the citizens of each State local governments adapted to the peculiar condition of each, with unrestricted trade and intercourse with each other, it will be an important era in the history of human events. While it will consolidate and strengthen the power of Germany, it must essentially promote the cause of peace, commerce, civilization, and constitutional liberty, throughout the world.

With all the governments on this continent our relations, it is believed, are now on a more friendly and satisfactory footing than they have ever been at any former period.

Since the exchange of ratifications of the treaty of peace with Mexico, our intercourse with the government of that Republic has been of the most friendly character. The envoy extraordinary and minister plenipotentiary of the United States to Mexico has been received and accredited, and a diplomatic representative from Mexico of similar rank has been received and accredited by this government. The amicable relations between the two countries which had been suspended have been happily restored, and are destined, I trust, to be long preserved. The two Republics, both situated on this continent, and with coterminous territories, have every motive of sympathy and of interest to bind them together in perpetual amity.

This gratifying condition of our foreign relations renders it unnecessary for me to call your attention more specifically to them.

It has been my constant aim and desire to cultivate peace and commerce with all nations. Tranquillity at home and peaceful relations abroad constitute the true permanent policy of our country. War, the scourge of nations, sometimes becomes inevitable, but is always to be avoided when it can be done consistently with the rights and honor of a nation.

One of the most important results of the war into which we were recently forced with a neighboring nation, is the demonstration it has afforded of the military strength of our country. Before the late war with Mexico, European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation, and of our ability to prosecute war, and especially a war waged out of our own country. They saw that our standing army on the peace establishment did not exceed ten thousand men. Accustomed themselves to maintain in peace large standing armies for the protection of thrones against their own subjects, as well as against foreign enemies, they had not conceived that it was possible for a nation without such an army, well disciplined and of long service, to wage war successfully. They held in low repute our militia, and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late war with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war has demonstrated, that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen-soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to draughts or conscriptions. On the contrary, such was the number of volunteers who patriotically tendered their services, that the chief difficulty was in making selections and determining who should be disappointed and compelled to remain at home. Our citizen-soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits, of farmers, lawyers,

physicians, merchants, manufacturers, mechanics, and laborers; and this, not only among the officers, but the private soldiers in the ranks. Our citizen-soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle and use fire-arms; and a large proportion of them, especially in the western and more newly settled States, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle, each private man, as well as every officer, fights not only for his country, but for glory and distinction among his fellow-citizens when he shall return to civil life.

The war with Mexico has demonstrated not only the ability of the Government to organize a numerous army upon a sudden call, but also to provide it with all the munitions and necessary supplies with dispatch, convenience, and ease, and to direct its operations with efficiency. The strength of our institutions has not only been displayed in the valor and skill of our troops engaged in active service in the field, but in the organization of those executive branches which were charged with the general direction and conduct of the war. While too great praise can not be bestowed upon the officers and men who fought our battles, it would be unjust to withhold from those officers necessarily stationed at home, who were charged with the duty of furnishing the army, in proper time and at proper places, with all the munitions of war and other supplies so necessary to make it efficient, the commendation to which they are entitled. The credit due to this class of our officers is the greater, when it is considered that no army in ancient or modern times was ever better appointed or provided than our army in Mexico. Operating in an enemy's country, removed two thousand miles from the seat of the Federal Government, its different corps spread over a vast extent of territory, hundreds, and even thousands of miles apart from each other, nothing short of the untiring vigilance and extraordinary energy of these officers could have enabled them to provide the army at all points, and in proper season, with all that was required for the most efficient service.

It is but an act of justice to declare that the officers in charge of the several executive bureaus, all under the immediate eye and supervision of the Secretary of War, performed their respective duties with ability, energy, and efficiency. They have reaped less of the glory of the war, not having been personally exposed to its perils in battle, than their companions in arms; but, without their forecast, efficient aid, and co-operation, those in the field would not have been provided with the ample means they possessed of achieving for themselves and their country the unfading honors which they have won for both.

When all these facts are considered, it may cease to be a matter of so much amazement abroad how it happened that our noble army in Mexico, regulars and volunteers, were victorious upon every battle-field, however fearful the odds against them.

The war with Mexico has thus fully developed the capacity of republican governments to prosecute successfully a just and necessary foreign war with all the vigor usually attributed to more arbitrary forms of government. It has been usual for writers on public law to impute to republics a want of that unity, concentration of purpose, and vigor of execution which are generally admitted to belong to the monarchical and aristocratic forms; and this feature of popular government has been supposed to display itself more particularly in the conduct of a war carried on in an enemy's territory. The war with Great Britain, in 1812, was to a great extent confined within our own limits, and shed but little light on this subject. But the war which we have just closed by an honorable peace evinces, beyond all doubt, that a popular representative government is equal to any emergency which is likely to arise in the affairs of a nation.

The war with Mexico has developed most strikingly and conspicuously another feature in our institutions. It is that, without cost to the Government or danger to our liberties, we have in the bosom of our society of freemen, available in a just and necessary war, virtually a standing army of two millions of armed citizen-soldiers, such as fought the battles of Mexico.

But our military strength does not consist alone in our capacity for extended and successful operations on land. The



navy is an important arm of the national defense. If the services of the navy were not so brilliant as those of the army in the late war with Mexico, it was because they had no enemy to meet on their own element. While the army had opportunity of performing more conspicuous service, the navy largely participated in the conduct of the war. Both branches of the service performed their whole duty to the country. For the able and gallant services of the officers and men of the navy—acting independently and as well as in co-operation with our troops—in the conquest of the Californias, the capture of Vera Cruz, and the seizure and occupation of other important positions on the Gulf and Pacific coasts, the highest praise is due. Their vigilance, energy, and skill, rendered the most effective service in excluding munitions of war and other supplies from the enemy, while they secured a safe entrance for abundant supplies for our own army. Our extended commerce was nowhere interrupted; and for this immunity from the evils of war, the country is indebted to the navy.

High praise is due to the officers of the several executive bureaus, navy-yards, and stations connected with the service, all under the immediate direction of the Secretary of the Navy, for the industry, foresight, and energy, with which everything was directed and furnished to give efficiency to that branch of the service. The same vigilance existed in directing the operations of the navy as of the army. There was concert between the heads of the two arms of the service. By the orders which were from time to time issued, our vessels of war on the Pacific and the Gulf of Mexico were stationed in proper time and in proper positions to co-operate efficiently with the army. By this means their combined power was brought to bear successfully on the enemy.

The great results which have been developed and brought to light by this war will be of immeasurable importance in the future progress of our country. They will tend powerfully to preserve us from foreign collisions, and to enable us to pursue uninterruptedly our cherished policy of “peace with all nations, entangling alliances with none.”

Occupying, as we do, a more commanding position among nations than at any former period, our duties and our respon-

sibilities to ourselves and to posterity are correspondingly increased. This will be the more obvious when we consider the vast additions which have been recently made to our territorial possessions, and their great importance and value.

Within less than four years the annexation of Texas to the Union has been consummated; all conflicting title to the Oregon territory south of the forty-ninth degree of north latitude, being all that was insisted on by any of my predecessors, has been adjusted; and New Mexico and Upper California have been acquired by treaty. The area of these several territories, according to a report carefully prepared by the Commissioner of the General Land Office, from the most authentic information in his possession, and which is herewith transmitted, contains one million one hundred and ninety-three thousand and sixty-one square miles, or seven hundred and sixty-three millions five hundred and fifty-nine thousand and forty acres; while the area of the remaining twenty-nine States, and the territory not yet organized into States east of the Rocky Mountains, contains two millions fifty-nine thousand five hundred and thirteen square miles, or thirteen hundred and eighteen millions one hundred and twenty-six thousand and fifty-eight acres. These estimates show that the territories recently acquired, and over which our exclusive jurisdiction and dominion have been extended, constitute a country more than half as large as all that which was held by the United States before their acquisition. If Oregon be excluded from the estimate, there will still remain within the limits of Texas, New Mexico, and California, eight hundred and fifty-one thousand five hundred and ninety-eight square miles, or five hundred and forty-five millions twelve thousand seven hundred and twenty acres; being an addition equal to more than one-third of all the territory owned by the United States before their acquisition; and including Oregon, nearly as great an extent of territory as the whole of Europe, Russia only excepted. The Mississippi, so lately the frontier of our country, is now only its center. With the addition of the late acquisitions, the United States are now estimated to be nearly as large as the whole of Europe. It is estimated by the Superintendent of the Coast Survey, in the accompanying report, that the extent of the sea-coast of Texas on the Gulf of Mexico is

upward of four hundred miles; of the coast of Upper California, on the Pacific, of nine hundred and seventy miles; and of Oregon, including the Straits of Fuca, of six hundred and fifty miles; making the whole extent of sea-coast on the Pacific one thousand six hundred and twenty miles, and the whole extent on both the Pacific and the Gulf of Mexico, two thousand and twenty miles. The length of the coast on the Atlantic, from the northern limits of the United States, around the capes of Florida to the Sabine, on the eastern boundary of Texas, is estimated to be three thousand one hundred miles; so that the addition of sea-coast, including Oregon, is very nearly two-thirds as great as all we possessed before; and excluding Oregon, is an addition of one thousand three hundred and seventy miles; being nearly equal to one half of the extent of coast which we possessed before these acquisitions. We have now three great maritime fronts—on the Atlantic, the Gulf of Mexico, and the Pacific—making in the whole an extent of sea-coast exceeding five thousand miles. This is the extent of the sea-coast of the United States, not including bays, sounds, and small irregularities of the main shore, and of the sea islands. If these be included, the length of the shore-line of coast, as estimated by the Superintendent of the Coast Survey in his report, would be thirty-three thousand and sixty-three miles.

It would be difficult to calculate the value of these immense additions to our territorial possessions. Texas, lying contiguous to the western boundary of Louisiana, embracing within its limits a part of the navigable tributary waters of the Mississippi and an extensive sea-coast, could not long have remained in the hands of a foreign power without endangering the peace of our south-western frontier. Her products in the vicinity of the tributaries of the Mississippi must have sought a market through these streams, running into and through our territory; and the danger of irritation and collision of interests between Texas as a foreign State and ourselves would have been imminent, while the embarrassments in the commercial intercourse between them must have been constant and unavoidable. Had Texas fallen into the hands, or under the influence and control of a strong maritime or military foreign power, as she might have done, these dangers would have been still greater. They have been

avoided by her voluntary and peaceful annexation to the United States. Texas, from her position, was a natural and almost indispensable part of our territories. Fortunately, she has been restored to our country, and now constitutes one of the States of our confederacy, "upon an equal footing with the original States." The salubrity of climate, the fertility of soil, peculiarly adapted to the production of some of our most valuable staple commodities, and her commercial advantages, must soon make her one of our most populous States.

New Mexico, though situated in the interior, and without a sea-coast, is known to contain much fertile land, to abound in rich mines of the precious metals, and to be capable of sustaining a large population. From its position, it is the intermediate and connecting territory between our settlements and our possessions in Texas and those on the Pacific Coast.

Upper California, irrespective of the vast mineral wealth recently developed there, holds at this day, in point of value and importance to the rest of the Union, the same relation that Louisiana did when that fine territory was acquired from France forty-five years ago. Extending nearly ten degrees of latitude along the Pacific, and embracing the only safe and commodious harbors on that coast for many hundred miles, with a temperate climate, and an extensive interior of fertile lands, it is scarcely possible to estimate its wealth until it shall be brought under the government of our laws, and its resources fully developed. From its position, it must command the rich commerce of China, of Asia, of the islands of the Pacific, of Western Mexico, of Central America, the South American States, and of the Russian possessions bordering on that ocean. A great emporium will doubtless speedily arise on the Californian coast, which may be destined to rival in importance New Orleans itself. The depot of the vast commerce which must exist on the Pacific will probably be at some point on the Bay of San Francisco, and will occupy the same relation to the whole western coast of that ocean as New Orleans does to the Valley of the Mississippi and the Gulf of Mexico. To this depot our numerous whale-ships will resort with their cargoes, to trade, refit, and obtain supplies. This of itself will largely contribute to build up a city which would soon become the center of a



great and rapidly increasing commerce. Situated on a safe harbor, sufficiently capacious for all the navies as well as the marine of the world, and convenient to excellent timber for ship-building, owned by the United States, it must become our great western naval depot.

It was known that mines of the precious metals existed to a considerable extent in California at the time of its acquisition. Recent discoveries render it probable that these mines are more extensive and valuable than was anticipated. The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service, who have visited the mineral district, and derived the facts which they detail from personal observation. Reluctant to credit the reports in general circulation as to the quantity of gold, the officer commanding our forces in California visited the mineral district in July last, for the purpose of obtaining accurate information on the subject. His report to the War Department of the result of his examination, and the facts obtained on the spot, is herewith laid before Congress. When he visited the country there were about four thousand persons engaged in collecting gold. There is every reason to believe that the number of persons so employed has since been augmented. The explorations already made warrant the belief that the supply is very large, and that gold is found at various places in an extensive district of country.

Information received from officers of the navy and other sources, though not so full and minute, confirm the accounts of the commander of our military force in California. It appears, also, from these reports, that mines of quicksilver are found in the vicinity of the gold region. One of them is now being worked, and is believed to be among the most productive in the world.

The effects produced by the discovery of these rich mineral deposits, and the success which has attended the labors of those who have resorted to them, have produced a surprising change in the state of affairs in California. Labor commands a most exorbitant price, and all other pursuits but that of searching for the precious metals, are abandoned. Nearly the whole of

the male population of the country have gone to the gold districts. Ships arriving on the coast are deserted by their crews, and their voyages suspended for want of sailors. Our commanding officer there entertains apprehensions that soldiers can not be kept in the public service without a large increase of pay. Desertions in his command have become frequent, and he recommends that those who shall withstand the strong temptation, and remain faithful, should be rewarded.

This abundance of gold, and the all-engrossing pursuit of it, have already caused in California an unprecedented rise in the price of all the necessaries of life.

That we may the more speedily and fully avail ourselves of the undeveloped wealth of these mines, it is deemed of vast importance that a branch of the mint of the United States be authorized to be established, at your present session, in California. Among other signal advantages which would result from such an establishment would be that of raising the gold to its par value in that territory. A branch mint of the United States at the great commercial depot on the west coast would convert into our own coin not only the gold derived from our own rich mines, but also the bullion and specie which our commerce may bring from the whole west coast of Central and South America. The west coast of America and the adjacent interior embrace the richest and best mines in Mexico, New Grenada, Central America, Chili, and Peru. The bullion and specie drawn from these countries, and especially from those of Western Mexico and Peru, to an amount in value of many millions of dollars, are now annually diverted and carried by the ships of Great Britain to her own ports, to be re coined or used to sustain her national bank, and thus contribute to increase her ability to command so much of the commerce of the world. If a branch mint be established at the great commercial point upon that coast, a vast amount of bullion and specie would flow thither to be re coined, and pass thence to New Orleans, New York, and other Atlantic cities. The amount of our Constitutional currency at home would be greatly increased, while its circulation abroad would be promoted. It is well known to our merchants trading to China and the west coast of America, that great inconvenience and loss are experienced from the

fact that our coins are not current at their par value in those countries.

The powers of Europe far removed from the west coast of America by the Atlantic Ocean which intervenes, and by a tedious and dangerous navigation around the southern cape of the continent of America, can never successfully compete with the United States in the rich and extensive commerce which is opened to us at so much less cost by the acquisition of California.

The vast importance and commercial advantages of California have heretofore remained undeveloped by the government of the country of which it constituted a part. Now that this fine province is a part of our country, all the States of the Union, some more immediately and directly than others, are deeply interested in the speedy development of its wealth and resources. No section of our country is more interested, or will be more benefited, than the commercial, navigating, and manufacturing interests of the Eastern States. Our planting and farming interests, in every part of the Union, will be greatly benefited by it. As our commerce and navigation are enlarged and extended, our exports of agricultural products and of manufactures will be increased; and in the new markets thus opened they can not fail to command remunerating and profitable prices.

The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas, extending to the Rio Grande, are results which, combined, are of greater consequence, and will add more to the strength and wealth of the Nation, than any which have preceded them since the adoption of the Constitution.

But to effect these great results, not only California, but New Mexico, must be brought under the control of regularly organized governments. The existing condition of California, and of that part of New Mexico lying west of the Rio Grande, and without the limits of Texas, imperiously demand that Congress should, at its present session, organize territorial governments over them.

Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary

governments which had been established over New Mexico and California by our military and naval commanders, by virtue of the rights of war, ceased to derive any obligatory force from that source of authority; and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist. Impressed with the necessity of establishing territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants, by the transfer of their country, had become entitled to the benefits of our laws and Constitution, and yet were left without any regularly organized government. Since that time, the very limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before Congress would again assemble and could legislate on the subject. The views entertained by the Executive on this point are contained in a communication of the Secretary of State, dated the 7th of October last, which was forwarded for publication to California and New Mexico, a copy of which is herewith transmitted.

The small military force of the regular army, which was serving within the limits of the acquired territories at the close of the war, was retained in them, and additional forces have been ordered there for the protection of the inhabitants, and to preserve and secure the rights and interests of the United States.

No revenue has been or could be collected at the ports in California, because Congress failed to authorize the establishment of custom-houses, or the appointment of officers for that purpose.

The Secretary of the Treasury, by a circular letter



addressed to collectors of the customs, on the 7th day of October last, a copy of which is herewith transmitted, exercised all the power with which he was invested by law.

In pursuance of the act of the 14th of August last, extending the benefit of our post-office laws to the people of California, the Postmaster-General has appointed two agents, who have proceeded, the one to California and the other to Oregon, with authority to make the necessary arrangements for carrying its provisions into effect.

The monthly line of mail-steamers from Panama to Astoria has been required to "stop, and deliver and take mails, at San Diego, Monterey, and San Francisco." These mail-steamers, connected by the Isthmus of Panama with the line of mail-steamers on the Atlantic between New York and Chagres, will establish a regular mail communication with California.

It is our solemn duty to provide, with the least practicable delay, for New Mexico and California, regularly organized territorial governments. The causes of the failure to do this at the last session of Congress are well known, and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or to reject these advantages, by the agitation of a domestic question which is coeval with the existence of our Government itself, and to endanger, by internal strifes, geographical divisions, and heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated States; that Union which binds us together as one people, and which for sixty years has been our shield and protection against every danger. In the eyes of the world, and of posterity, how trivial and insignificant will be all our internal divisions and struggles, compared with the preservation of this Union of the States in all its vigor and with all its countless blessings! No patriot would foment and excite geographical and sectional divisions. No lover of his country would deliberately calculate the value of the Union. Future generations would look in amazement upon the folly of such a course. Other nations at the present day would look upon it with

astonishment; and such of them as desire to maintain and perpetuate thrones and monarchical or aristocratical principles, will view it with exultation and delight, because in it they will see the elements of faction, which they hope must ultimately overturn our system. Ours is the great example of a prosperous and free self-governed Republic, commanding the admiration and the imitation of all the lovers of freedom throughout the world. How solemn, therefore, is the duty; how impressive the call upon us, and upon all parts of our country to cultivate a patriotic spirit of harmony, of good fellowship, of compromise and mutual concession, in the administration of the incomparable system of government formed by our fathers in the midst of almost insuperable difficulties, and transmitted to us, with the injunction that we should enjoy its blessings and hand it down unimpaired to those who may come after us!

In view of the high and responsible duties which we owe to ourselves and to mankind, I trust you may be able, at your present session, to approach the adjustment of the only domestic question which seriously threatens, or probably ever can threaten, to disturb the harmony and successful operations of our system.

The immensely valuable possessions of New Mexico and California are already inhabited by a considerable population. Attracted by their great fertility, their mineral wealth, their commercial advantages, and the salubrity of the climate, emigrants from the older States, in great numbers, are already preparing to seek new homes in these inviting regions.

Shall the dissimilarity of the domestic institutions in the different States prevent us from providing for them suitable governments? These institutions existed at the adoption of the Constitution; but the obstacles which they interposed were overcome by that spirit of compromise which is now invoked. In a conflict of opinions or of interests, real or imaginary, between different sections of our country, neither can justly demand all which it might desire to obtain. Each, in the true spirit of our institutions, should concede something to the other.

Our gallant forces in the Mexican War, by whose patriotism and unparalleled deeds of arms we obtained those possessions

as an indemnity for our just demands against Mexico, were composed of citizens who belonged to no one State or section of our Union. They were men from slaveholding and non-slaveholding States, from the north and the south, from the east and the west. They were all companions-in-arms, and fellow-citizens of the same common country, engaged in the same common cause. When prosecuting that war, they were brethren and friends, and shared alike with each other common toils, dangers, and sufferings. Now, when their work is ended, when peace is restored, and they return again to their homes, put off the habiliments of war, take their places in society, and resume their pursuits in civil life, surely a spirit of harmony and concession, and of equal regard for the rights of all, and of all sections of the Union, ought to prevail in providing governments for the acquired territories, the fruits of their common service. The whole people of the United States, and of every State, contributed to defray the expenses of that war; and it would not be just for any one section to exclude another from all participation in the acquired territory. This would not be in consonance with the just system of Government which the framers of the Constitution adopted.

The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory, even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions, in much the larger portion of it, it is certain it could never exist; and in the remainder, the probabilities are it would not. But, however this may be, the question, involving as it does a principle of equality of rights of the separate and several States, as equal co-partners in the Confederacy, should not be disregarded.

In organizing governments over these territories, no duty imposed on Congress by the Constitution, requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, the people of the acquired territories, when assembled in convention to form State constitu-

tions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these territories will be left free to adjust it as they may think proper, when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, north or south, slaveholding or non-slaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all the States possess this right, and Congress can not deprive them of it. The people of Georgia might, if they chose, so alter their constitution as to abolish slavery within its limits; and the people of Vermont might so alter their constitution as to admit slavery within its limits. Both States would possess the right; though, as all know, it is not probable that either would exert it.

It is fortunate for the peace and harmony of the Union that this question is in its nature temporary; and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union. From the tide of population now flowing into them, it is highly probable that this will soon occur.

Considering the several States and the citizens of the several States as equals, and entitled to equal rights under the Constitution, if this were an original question, it might well be insisted on that the principle of non-interference is the true doctrine, and that Congress could not, in the absence of any express grant of power, interfere with their relative rights. Upon a great emergency, however, and under menacing dangers to the Union, the Missouri Compromise line in respect to slavery was adopted. The same line was extended further west in the acquisition of Texas. After an acquiescence of nearly thirty years in the principle of compromise recognized and established by these acts, and to avoid the danger to the Union which might follow if it were now disregarded, I have heretofore expressed the opinion that that line of compromise should be extended on the parallel of thirty-six degrees thirty minutes from the western boundary of Texas, where it now



terminates, to the Pacific Ocean. This is the middle ground of compromise, upon which the different sections of the Union may meet, as they have heretofore met. If this be done, it is confidently believed a large majority of the people of every section of the country, however widely their abstract opinions on the subject of slavery may differ, would cheerfully and patriotically acquiesce in it, and peace and harmony would again fill our borders.

The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise, made necessary for the sake of preserving the harmony, and, possibly, the existence of the Union.

It was upon these considerations that, at the close of your last session, I gave my sanction to the principle of the Missouri Compromise line, by approving and signing the bill to establish "the territorial government of Oregon." From a sincere desire to preserve the harmony of the Union, and in deference to the acts of my predecessors, I felt constrained to yield my acquiescence to the extent to which they had gone in compromising this delicate and dangerous question. But if Congress shall now reverse the decision by which the Missouri Compromise was effected, and shall propose to extend the restriction over the whole territory, south as well as north of the parallel of thirty-six degrees thirty minutes, it will cease to be a compromise, and must be regarded as an original question.

If Congress, instead of observing the course of non-interference, leaving the adoption of their own domestic institutions to the people who may inhabit these territories; or if, instead of extending the Missouri Compromise line to the Pacific, shall prefer to submit the legal and constitutional questions which may arise to the decision of the judicial tribunals, as was proposed in a bill which passed the Senate at your last session, an adjustment may be effected in this mode. If the whole subject be referred to the judiciary, all parts of the Union should cheerfully acquiesce in the final decision of the tribunal created by the Constitution for the settlement of all questions which may arise under the Constitution, treaties, and laws of the United States.

Congress is earnestly invoked, for the sake of the Union, its harmony, and our continued prosperity as a Nation, to adjust at its present session this, the only dangerous question which lies in our path, if not in some one of the modes suggested, in some other which may be satisfactory.

In anticipation of the establishment of regular governments over the acquired territories, a joint commission of officers of the army and navy has been ordered to proceed to the coast of California and Oregon, for the purpose of making reconnoissances and a report as to the proper sites for the erection of fortifications or other defensive works on land, and of suitable situations for naval stations. The information which may be expected from a scientific and skillful examination of the whole face of the coast will be eminently useful to Congress, when they come to consider the propriety of making appropriations for these great national objects. Proper defenses on land will be necessary for the security and protection of our possessions; and the establishment of navy-yards, and a dock for the repair and construction of vessels, will be important alike to our navy and commercial marine. Without such establishments, every vessel, whether of the navy or of the merchant service, requiring repair, must, at great expense, come round Cape Horn to one of our Atlantic yards for that purpose. With such establishments, vessels, it is believed, may be built or repaired as cheaply in California as upon the Atlantic coast. They would give employment to many of our enterprising ship-builders and mechanics, and greatly facilitate and enlarge our commerce in the Pacific.

As it is ascertained that mines of gold, silver, copper, and quicksilver, exist in New Mexico and California, and that nearly all the lands where they are found belong to the United States, it is deemed important to the public interests that provision should be made for a geological and mineralogical examination of these regions. Measures should be adopted to preserve the mineral lands, especially such as contain the precious metals, for the use of the United States; or, if brought into market, to separate them from the farming lands, and dispose of them in such manner as to secure a large return of money to the Treasury, and at the same time lead to the

development of their wealth by individual proprietors and purchasers. To do this, it will be necessary to provide for an immediate survey and location of the lots. If Congress should deem it proper to dispose of the mineral lands they should be sold in small quantities, and at a fixed minimum price.

I recommend that surveyor-generals' offices be authorized to be established in New Mexico and California, and provision made for surveying and bringing the public lands into market at the earliest practicable period. In disposing of these lands, I recommend that the right of pre-emption be secured, and liberal grants made, to the early emigrants who have settled or may settle upon them.

It will be important to extend our revenue laws over these territories, and especially over California, at an early period. There is already a considerable commerce with California; and until ports of entry shall be established and collectors appointed, no revenue can be received.

If these and other necessary and proper measures be adopted for the development of the wealth and resources of New Mexico and California, and regular territorial governments be established over them, such will probably be the rapid enlargement of our commerce and navigation, and such the addition to the national wealth, that the present generation may live to witness the controlling commercial and monetary power of the world transferred from London and other European emporiums to the city of New York.

The apprehensions which were entertained by some of our statesmen, in the earlier periods of the Government, that our system was incapable of operating with sufficient energy and success over largely extended territorial limits, and that if this were attempted it would fall to pieces by its own weakness, have been dissipated by our experience. By the division of power between the States and Federal Government, the latter is found to operate with as much energy in the extremes as in the center. It is as efficient in the remotest of the thirty States which now compose the Union, as it was in the thirteen States which formed our Constitution. Indeed, it may well be doubted, whether, if our present population had been confined within the limits of the original thirteen States, the tendencies

to centralization and consolidation would not have been such as to have encroached upon the essential reserved rights of the States, and thus to have made the Federal Government a widely different one, practically, from what it is in theory, and was intended to be by its framers. So far from entertaining apprehensions of the safety of our system by the extension of our territory, the belief is confidently entertained that each new State gives strength and an additional guaranty for the preservation of the Union itself.

In pursuance of the provisions of the thirteenth article of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, and of the act of July 29, 1848, claims of our citizens which had been "already liquidated and decided against the Mexican Republic," amounting, with the interest thereon, to two millions twenty-three thousand eight hundred and thirty-two dollars and fifty-one cents, have been liquidated and paid. There remain to be paid of these claims, seventy-four thousand one hundred and ninety-two dollars and twenty-six cents.

Congress at its last session having made no provision for executing the fifteenth article of the treaty, by which the United States assume to make satisfaction for the "unliquidated claims" of our citizens against Mexico, to "an amount not exceeding three and a quarter millions of dollars," the subject is again recommended to your favorable consideration.

The exchange of ratifications of the treaty with Mexico took place on the 30th of May, 1848. Within one year after that time, the commissioner and surveyor which each government stipulates to appoint, are required to meet "at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte." It will be seen from this provision, that the period within which a commissioner and surveyor of the respective governments are to meet at San Diego, will expire on the 30th of May, 1849. Congress, at the close of its last session, made an appropriation for "the expenses of running and marking the boundary line" between the two countries, but did not fix the amount of salary which should be paid to the commissioner and surveyor to be appointed on the part of the United



States. It is desirable that the amount of compensation which they shall receive should be prescribed by law, and not left, as at present, to Executive discretion.

Measures were adopted at the earliest practicable period to organize the "territorial government of Oregon," as authorized by the act of the 14th of August last. The governor and marshal of the territory, accompanied by a small military escort, left the frontier of Missouri in September last, and took the southern route, by the way of Santa Fe and the River Gila, to California, with the intention of proceeding thence in one of our vessels-of-war to their destination. The governor was fully advised of the great importance of his early arrival in the country, and it is confidently believed he may reach Oregon in the latter part of the present month, or early in the next. The other officers for the territory have proceeded by sea.

In the month of May last, I communicated information to Congress that an Indian war had broken out in Oregon, and recommended that authority be given to raise an adequate number of volunteers to proceed without delay to the assistance of our fellow-citizens in that territory. The authority to raise such a force not having been granted by Congress, as soon as their services could be dispensed with in Mexico orders were issued to the regiment of mounted riflemen to proceed to Jefferson barracks, in Missouri, and to prepare to march to Oregon as soon as the necessary provision could be made. Shortly before it was ready to march, it was arrested by the provision of the act passed by Congress on the last day of the last session, which directed that all the non-commissioned officers, musicians, and privates of that regiment, who had been in service in Mexico, should, upon their application, be entitled to be discharged. The effect of this provision was to disband the rank and file of the regiment; and before their places could be filled by recruits, the season had so far advanced that it was impracticable for it to proceed until the opening of the next spring.

In the month of October last, the accompanying communication was received from the governor of the temporary government of Oregon, giving information of the continuance of

the Indian disturbances, and of the destitution and defenseless condition of the inhabitants. Orders were immediately transmitted to the commander of the squadron in the Pacific, to dispatch to their assistance a part of the naval forces on that station, to furnish them with arms and ammunition, and to continue to give them such aid and protection as the navy could afford, until the army could reach the country.

It is the policy of humanity, and one which has always been pursued by the United States; to cultivate the good-will of the aboriginal tribes of this continent, and to restrain them from making war and indulging in excesses, by mild means, rather than by force. That this could have been done with the tribes in Oregon had that territory been brought under the government of our laws at an earlier period, and had suitable measures been adopted by Congress, such as now exist in our intercourse with the other Indian tribes within our limits, can not be doubted. Indeed, the immediate and only cause of the existing hostility of the Indians of Oregon is represented to have been, the long delay of the United States in making to them some trifling compensation, in such articles as they wanted, for the country now occupied by our emigrants, which the Indians claimed, and over which they formerly roamed. This compensation had been promised them by the temporary government established in Oregon, but its fulfillment had been postponed from time to time, for nearly two years, while those who made it had been anxiously waiting for Congress to establish a territorial government over the country. The Indians became at length distrustful of their good faith, and sought redress by plunder and massacre, which finally led to the present difficulties. A few thousand dollars in suitable presents, as a compensation for the country which had been taken possession of by our citizens, would have satisfied the Indians, and have prevented the war. A small amount properly distributed, it is confidently believed, would soon restore quiet. In this Indian war our fellow-citizens of Oregon have been compelled to take the field in their own defense, have performed valuable military services, and been subjected to expenses which have fallen heavily upon them. Justice demands that provision should be made by Congress to compensate

them for their services, and to refund to them the necessary expenses which they have incurred.

I repeat the recommendation heretofore made to Congress, that provision be made for the appointment of a suitable number of Indian agents to reside among the tribes of Oregon, and that a small sum be appropriated to enable these agents to cultivate friendly relations with them. If this be done, the presence of a small military force will be all that is necessary to keep them in check, and preserve peace.

I recommend that similar provision be made as regards the tribes inhabiting Northern Texas, New Mexico, California, and the extensive region lying between our settlements in Missouri and these possessions, as the most effective means of preserving peace upon our borders, and within the recently acquired territories.

The Secretary of the Treasury will present, in his annual report, a highly satisfactory statement of the condition of the finances.

The imports for the fiscal year ending on the 30th of June last, were of the value of one hundred and fifty-four millions nine hundred and seventy-seven thousand eight hundred and seventy-six dollars; of which the amount exported was twenty-one millions one hundred and twenty-eight thousand and ten dollars; leaving one hundred and thirty-three millions eight hundred and forty-nine thousand eight hundred and sixty-six dollars in the country, for domestic use.

The value of the exports for the same period was one hundred and fifty-four millions thirty-two thousand one hundred and thirty-one dollars; consisting of domestic productions amounting to one hundred and thirty-two millions nine hundred and four thousand one hundred and twenty-one dollars, and twenty-one millions one hundred and twenty-eight thousand and ten dollars of foreign articles.

The receipts into the Treasury for the same period, exclusive of loans, amounted to thirty-five millions four hundred and thirty-six thousand seven hundred and fifty dollars and fifty-nine cents; of which there was derived from customs, thirty-one millions seven hundred and fifty-seven thousand and seventy dollars and ninety-six cents; from sales of public

lands, three millions three hundred and twenty-eight thousand six hundred and forty-two dollars and fifty-six cents; and from miscellaneous and incidental sources, three hundred and fifty-one thousand and thirty-seven dollars and seven cents.

It will be perceived that the revenue from customs for the last fiscal year exceeded, by seven hundred and fifty-seven thousand and seventy dollars and ninety-six cents, the estimate of the Secretary of the Treasury in his last annual report; and that the aggregate receipts during the same period, from customs, lands, and miscellaneous sources, also exceeded the estimate by the sum of five hundred and thirty-six thousand seven hundred and fifty dollars and fifty-nine cents; indicating, however, a very near approach in the estimate to the actual result.

The expenditures during the fiscal year ending on the 30th of June last, including those for the war, and exclusive of payments of original and interest for the public debt, were forty-two millions eight hundred and eleven thousand nine hundred and seventy dollars and three cents.

It is estimated that the receipts into the Treasury for the fiscal year ending on the 30th of June, 1849, including the balance in the Treasury on the 1st of July last, will amount to the sum of fifty-seven millions forty-eight thousand nine hundred and sixty-nine dollars and ninety cents; of which thirty-two millions of dollars, it is estimated, will be derived from customs; three millions of dollars from the sales of the public lands; and one million two hundred thousand dollars from miscellaneous and incidental sources, including the premium upon the loan, and the amount paid and to be paid into the Treasury on account of military contributions in Mexico, and the sales of arms and vessels and other public property rendered unnecessary for the use of the Government by the termination of the war; and twenty millions six hundred and ninety-five thousand four hundred and thirty-five dollars and thirty cents from loans already negotiated, including treasury-notes funded, which, together with the balance in the Treasury on the 1st of July last, make the sum estimated.

The expenditures for the same period, including the necessary



payment on account of the principal and interest of the public debt, and the principal and interest of the first installment due to Mexico on the 30th of May next, and other expenditures growing out of the war, to be paid during the present year, will amount, including the reimbursement of treasury-notes, to the sum of fifty-four millions one hundred and ninety-five thousand two hundred and seventy-five dollars and six cents; leaving an estimated balance in the Treasury on the 1st of July, 1849, of two millions eight hundred and fifty-three thousand six hundred and ninety-four dollars and eighty-four cents.

The Secretary of the Treasury will present, as required by law, the estimates of the receipts and expenditures for the next fiscal year. The expenditures as estimated for that year are thirty-three millions two hundred and thirteen thousand one hundred and fifty-two dollars and seventy-three cents, including three millions seven hundred and ninety-nine thousand one hundred and two dollars and eighteen cents for the interest on the public debt, and three millions five hundred and forty thousand dollars for the principal and interest due to Mexico on the 30th of May, 1850; leaving the sum of twenty-five millions eight hundred and seventy-four thousand and fifty dollars and thirty-five cents; which, it is believed, will be ample for the ordinary peace expenditures.

The operations of the tariff act of 1846 have been such during the past year as fully to meet the public expectation, and to confirm the opinion heretofore expressed of the wisdom of the change in our revenue system which was effected by it. The receipts under it into the Treasury for the first fiscal year after its enactment exceeded by the sum of five millions forty-four thousand four hundred and three dollars and nine cents, the amount collected during the last fiscal year under the tariff act of 1842, ending the 30th of June, 1846. The total revenue realized from the commencement of its operation, on the 1st of December, 1846, until the close of the last quarter, on the 30th of September last, being twenty-two months, was fifty-six millions six hundred and fifty-four thousand five hundred and sixty-three dollars and seventy-nine cents, being a much larger sum than was ever before received from duties

during any equal period under the tariff acts of 1824, 1828, 1832, and 1842. While by the repeal of highly protective and prohibitory duties the revenue has been increased, the taxes on the people have been diminished. They have been relieved from the heavy amounts with which they were burdened under former laws in the form of increased prices or bounties paid to favored classes and pursuits.

The predictions which were made, that the tariff act of 1846 would reduce the amount of revenue below that collected under the act of 1842, and would prostrate the business and destroy the prosperity of the country, have not been verified. With an increased and increasing revenue, the finances are in a highly flourishing condition. Agriculture, commerce, and navigation are prosperous; the prices of manufactured fabrics, and of other products, are much less injuriously affected than was to have been anticipated, from the unprecedented revulsions, which, during the last and the present year, have overwhelmed the industry and paralyzed the credit and commerce of so many great and enlightened nations of Europe.

Severe commercial revulsions abroad have always heretofore operated to depress, and often to affect disastrously, almost every branch of American industry. The temporary depression of a portion of our manufacturing interests is the effect of foreign causes, and is far less severe than has prevailed on all former similar occasions.

It is believed that, looking to the great aggregate of all our interests, the whole country was never more prosperous than at the present period, and never more rapidly advancing in wealth and population. Neither the foreign war in which we have been involved, nor the loans which have absorbed so large a portion of our capital, nor the commercial revulsion in Great Britain in 1847, nor the paralysis of credit and commerce throughout Europe in 1848, has affected injuriously to any considerable extent any of the great interests of the country, or arrested our onward march to greatness, wealth, and power.

Had the disturbances in Europe not occurred, our commerce would undoubtedly have been still more extended, and would have added still more to the national wealth and public

prosperity. But notwithstanding these disturbances, the operations of the revenue system established by the tariff act of 1846, have been so generally beneficial to the Government and the business of the country, that no change in its provisions is demanded by a wise public policy, and none is recommended.

The operations of the Constitutional Treasury, established by the act of the 6th of August, 1846, in the receipt, custody, and disbursement of the public money, have continued to be successful. Under this system the public finances have been carried through a foreign war, involving the necessity of loans and extraordinary expenditures, and requiring distant transfers and disbursements, without embarrassment, and no loss has occurred of any of the public money deposited under its provisions. While it has proved to be safe and useful to the Government, its effects have been most beneficial upon the business of the country. It has tended powerfully to secure an exemption from that inflation and fluctuation of the paper currency, so injurious to domestic industry, and rendering so uncertain the rewards of labor, and it is believed has largely contributed to preserve the whole country from a serious commercial revulsion, such as often occurred under the bank deposit system. In the year 1847, there was a revulsion in the business of Great Britain of great extent and intensity, which was followed by failures in that kingdom unprecedented in number and amount of losses. This is believed to be the first instance when such disastrous bankruptcies, occurring in a country with which we have such extensive commerce, produced little or no injurious effect upon our trade or currency. We remained but little affected in our money market, and our business and industry were still prosperous and progressive.

During the present year, nearly the whole continent of Europe has been convulsed by civil war and revolutions, attended by numerous bankruptcies, by an unprecedented fall in their public securities, and an almost universal paralysis of commerce and industry; and yet, although our trade and the price of our products must have been somewhat unfavorably affected by these causes, we have escaped a revulsion, our money market is comparatively easy, and public and private credit have advanced and improved.

It is confidently believed that we have been saved from their effect by the salutary operation of the Constitutional Treasury. It is certain, that if the twenty-four millions of specie imported into the country during the fiscal year ending on the 30th of June, 1847, had gone into the banks, as to a great extent it must have done, it would, in the absence of this system, have been made the basis of augmented bank paper issues, probably to an amount not less than sixty or seventy millions of dollars, producing, as an inevitable consequence of an inflated currency, extravagant prices for a time, and wild speculation, which must have been followed, on the reflux to Europe, the succeeding year, of so much of that specie, by the prostration of the business of the country, the suspension of the banks, and most extensive bankruptcies. Occurring, as this would have done, at a period when the country was engaged in a foreign war; when considerable loans of specie were required for distant disbursements; and when the banks, the fiscal agents of the Government, and the depositories of its money, were suspended—the public credit must have sunk, and many millions of dollars, as was the case during the war of 1812, must have been sacrificed in discounts upon loans, and upon the depreciated paper currency which the Government would have been compelled to use.

Under the operations of the Constitutional Treasury, not a dollar has been lost by the depreciation of the currency. The loans required to prosecute the war with Mexico were negotiated by the Secretary of the Treasury above par, realizing a large premium to the Government. The restraining effect of the system upon the tendencies to excessive paper issues by banks has saved the Government from heavy losses, and thousands of our business men from bankruptcy and ruin. The wisdom of the system has been tested by the experience of the last two years, and it is the dictate of sound policy that it should remain undisturbed. The modifications in some of the details of this measure, involving none of its essential principles, heretofore recommended, are again presented for your favorable consideration.

In my message of the 6th of July last, transmitting to Congress the ratified treaty of peace with Mexico, I recommended



the adoption of measures for the speedy payment of the public debt. In reiterating that recommendation, I refer you to the considerations presented in that message in its support. The public debt, including that authorized to be negotiated, in pursuance of existing laws, and including Treasury-notes, amounted at that time to sixty-five millions seven hundred and seventy-eight thousand four hundred and fifty dollars and forty-one cents.

Funded stock of the United States, amounting to about half a million of dollars, has been purchased, as authorized by law, since that period, and the public debt has thus been reduced ; the details of which will be presented in the annual report of the Secretary of the Treasury.

The estimates of expenditures for the next fiscal year, submitted by the Secretary of the Treasury, it is believed will be ample for all necessary purposes. If the appropriations made by Congress shall not exceed the amount estimated, the means in the Treasury will be sufficient to defray all the expenses of the Government ; to pay off the next installment of three millions of dollars to Mexico, which will fall due on the 30th of May next ; and still a considerable surplus will remain, which should be applied to the further purchase of the public stock and reduction of the debt. Should enlarged appropriations be made, the necessary consequence will be to postpone the payment of the debt. Though our debt, as compared with that of most other nations, is small, it is our true policy, and in harmony with the genius of our institutions, that we should present to the world the rare spectacle of a great republic, possessing vast resources and wealth, wholly exempt from public indebtedness. This would add still more to our strength, and give to us a still more commanding position among the nations of the earth.

The public expenditures should be economical, and be confined to such necessary objects as are clearly within the powers of Congress. All such as are not absolutely demanded should be postponed, and the payment of the public debt, at the earliest practicable period, should be a cardinal principle of our public policy.

For the reason assigned in my last annual message, I repeat the recommendation that a branch of the mint of the United

States be established at the city of New York. The importance of this measure is greatly increased by the acquisition of the rich mines of the precious metals in New Mexico and California, and especially in the latter.

I repeat the recommendation, heretofore made, in favor of the graduation and reduction of the price of such of the public lands as have been long offered in the market and have remained unsold, and in favor of extending the rights of pre-emption to actual settlers on the unsurveyed as well the surveyed lands.

The condition and operations of the army, and the state of other branches of the public service under the supervision of the War Department, are satisfactorily presented in the accompanying report of the Secretary of War.

On the return of peace, our forces were withdrawn from Mexico, and the volunteers and that portion of the regular army engaged for the war were disbanded. Orders have been issued for stationing the forces of our permanent establishment at various positions in our extended country, where troops may be required. Owing to the remoteness of some of these positions, the detachments have not yet reached their destination. Notwithstanding the extension of the limits of our country, and the forces required in the new territories, it is confidently believed that our present military establishment is sufficient for all exigencies, so long as our peaceful relations remain undisturbed.

Of the amount of military contributions collected in Mexico, the sum of seven hundred and sixty-nine thousand six hundred and fifty dollars was applied toward the payment of the first installment due under the treaty with Mexico. The further sum of three hundred and forty-six thousand three hundred and sixty-nine dollars and thirty cents has been paid into the Treasury, and unexpended balances still remain in the hands of disbursing officers and those who were engaged in the collection of these moneys. After the proclamation of peace, no further disbursements were made of any unexpended moneys arising from this source. The balances on hand were directed to be paid into the Treasury, and individual claims on the fund will remain unadjusted until Congress shall authorize their settlement

and payment. These claims are not considerable in number or amount.

I recommend to your favorable consideration the suggestions of the Secretary of War and the Secretary of the Navy in regard to legislation on this subject.

Our Indian relations are presented in a most favorable view in the report from the War Department. The wisdom of our policy in regard to the tribes within our limits, is clearly manifested by their improved and rapidly improving condition.

A most important treaty with the Menomonies has been recently negotiated by the Commissioner of Indian Affairs in person, by which all their land in the State of Wisconsin—being about four millions of acres—has been ceded to the United States. This treaty will be submitted to the Senate for ratification at an early period of your present session.

Within the last four years, eight important treaties have been negotiated with different Indian tribes, and at a cost of one million eight hundred and forty-two thousand dollars; Indian lands to the amount of more than eighteen million five hundred thousand acres, have been ceded to the United States; and provision has been made for settling in the country west of the Mississippi the tribes which occupied this large extent of the public domain. The title to all the Indian lands within the several States of our Union, with the exception of a few small reservations, is now extinguished, and a vast region opened for settlement and cultivation.

The accompanying report of the Secretary of the Navy gives a satisfactory exhibit of the operations and condition of that branch of the public service.

A number of small vessels suitable for entering the mouths of rivers were judiciously purchased during the war, and gave great efficiency to the squadron in the Gulf of Mexico. On the return of peace, when no longer valuable for naval purposes, and liable to constant deterioration, they were sold, and the money placed in the Treasury.

The number of men in the naval service, authorized by law, during the war, has been reduced by discharges below the maximum fixed for the peace establishment. Adequate squadrons are maintained in the several quarters of the globe where

experience has shown their services may be most usefully employed; and the naval service was never in a condition of higher discipline or greater efficiency.

I invite attention to the recommendation of the Secretary of the Navy on the subject of the marine corps. The reduction of the corps at the end of the war required that four officers of each of the three lower grades should be dropped from the rolls. A board of officers made the selection; and those designated were necessarily dismissed, but without any alleged fault. I concur in opinion with the Secretary, that the service would be improved by reducing the number of landsmen, and increasing the marines. Such a measure would justify an increase of the number of officers to the extent of the reduction by dismissal, and still the corps would have fewer officers than a corresponding number of men in the army.

The contracts for the transportation of the mail in steamships, convertible into war-steamers, promise to realize all the benefits to our commerce and to the navy which were anticipated. The first steamer thus secured to the Government was launched in January, 1847. There are now seven; and in another year there will, probably, be not less than seventeen afloat. While this great national advantage is secured, our social and commercial intercourse is increased and promoted with Germany, Great Britain, and other parts of Europe, with all the countries on the west coast of our continent, especially with Oregon and California, and between the northern and southern sections of the United States. Considerable revenue may be expected from postages; but the connected line from New York to Chagres, and thence across the isthmus to Oregon, can not fail to exert a beneficial influence, not now to be estimated, on the interests of the manufactures, commerce, navigation, and currency of the United States. As an important part of the system, I recommend to your favorable consideration the establishment of the proposed line of steamers between New Orleans and Vera Cruz. It promises the most happy results in cementing friendship between the two republics, and extending reciprocal benefits to the trade and manufactures of both.

The report of the Postmaster-General will make known to you the operations of that Department for the past year.



It is gratifying to find the revenues of the Department, under the rates of postage now established by law, so rapidly increasing. The gross amount of postage during the last fiscal year amounted to four millions three hundred and seventy-one thousand and seventy-seven dollars, exceeding the annual average received for the nine years immediately preceding the passage of the act of the 3d of March, 1845, by the sum of six thousand four hundred and fifty-three dollars, and exceeding the amount received for the year ending the 30th of June, 1847, by the sum of four hundred and twenty-five thousand one hundred and eighty-four dollars.

The expenditures for the year, excluding the sum of ninety-four thousand six hundred and seventy-two dollars, allowed by Congress at its last session to individual claimants, and including the sum of one hundred thousand five hundred dollars, paid for the services of the line of steamers between Bremen and New York, amounted to four millions one hundred and ninety-eight thousand eight hundred and forty-five dollars, which is less than the annual average for the nine years previous to the act of 1845, by three hundred thousand seven hundred and forty-eight dollars.

The mail-routes on the 30th day of June last, were one hundred and sixty-three thousand two hundred and eight miles in extent, being an increase during the last year of nine thousand three hundred and ninety miles. The mails were transported over them, during the same time, forty-one millions twelve thousand five hundred and seventy-nine miles; making an increase of transportation for the year of two millions one hundred and twenty-four thousand six hundred and eighty miles, while the expense was less than that of the previous year by four thousand two hundred and thirty-five dollars.

The increase in the mail transportation within the last three years, has been five millions three hundred and seventy-eight thousand three hundred and ten miles, while the expenses were reduced four hundred and fifty-six thousand seven hundred and thirty-eight dollars, making an increase of service at the rate of fifteen per cent, and a reduction in the expenses of more than fifteen per cent.

During the past year there have been employed, under contracts with the Post-office Department, two ocean-steamers in conveying the mails monthly between New York and Bremen, and one, since October last, performing semi-monthly service between Charleston and Havana; and a contract has been made for the transportation of the Pacific mails across the isthmus from Chagres to Panama.

Under the authority given to the Secretary of the Navy, three ocean-steamers have been constructed and sent to the Pacific, and are expected to enter upon the mail service between Panama and Oregon, and the intermediate ports, on the 1st of January next, and a fourth has been engaged by him for the service between Havana and Chagres; so that a regular monthly mail line will be kept up after that time between the United States and our territories on the Pacific.

Notwithstanding this great increase in the mail service, should the revenue continue to increase the present year as it did in the last, there will be received near four hundred and fifty thousand dollars more than the expenditures.

These considerations have satisfied the Postmaster-General that, with certain modifications of the act of 1845, the revenue may be still further increased, and a reduction of postage made to a uniform rate of five cents, without an interference with the principle, which has been constantly and properly enforced, of making that department sustain itself.

A well-digested cheap postage system is the best means of diffusing intelligence among the people, and is of so much importance in a country so extensive as that of the United States, that I recommend to your favorable consideration the suggestions of the Postmaster-General for its improvement.

Nothing can retard the onward progress of our country, and prevent us from assuming and maintaining the first rank among nations, but a disregard of the experience of the past, and a recurrence to an unwise public policy. We have just closed a foreign war by an honorable peace, a war rendered necessary and unavoidable in the vindication of the national rights and honor. The present condition of the country is similar in some respects to that which existed immediately after the close of the war with Great Britain in 1815, and the

occasion is deemed to be a proper one to take a retrospect of the measures of public policy which followed that war. There was at that period of our history a departure from our earlier policy. The enlargement of the powers of the Federal Government by construction, which obtained, was not warranted by any just interpretation of the Constitution. A few years after the close of that war, a series of measures was adopted which, united and combined, constituted what was termed by their authors and advocates the "American system."

The introduction of the new policy was for a time favored by the condition of the country; by the heavy debt which had been contracted during the war; by the depression of the public credit; by the deranged state of the finances and the currency; and by the commercial and pecuniary embarrassment which extensively prevailed. These were not the only causes which led to its establishment. The events of the war with Great Britain, and the embarrassments which had attended its prosecution, had left on the minds of many of our statesmen the impression that our Government was not strong enough, and that, to wield its resources successfully in great emergencies, and especially in war, more power should be concentrated in its hands. This increased power they did not seek to obtain by the legitimate and prescribed mode, an amendment of the Constitution, but by construction. They saw governments in the Old World based upon different orders of society, and so constituted as to throw the whole power of nations into the hands of a few, who taxed and controlled the many without responsibility or restraint. In that arrangement they conceived the strength of nations in war consisted. There was also something fascinating in the ease, luxury, and display, of the higher orders, who drew their wealth from the toil of the laboring millions. The authors of the system drew their ideas of political economy from what they had witnessed in Europe, and particularly in Great Britain. They had viewed the enormous wealth concentrated in few hands, and had seen the splendor of the overgrown establishments of an aristocracy which was upheld by the restrictive policy. They forgot to look down upon the poorer classes of the English population, upon whose daily and yearly labor the great establishments

they so much admired were sustained and supported. They failed to perceive that the scantily fed and half-clad operatives were not only in abject poverty, but were bound in chains of oppressive servitude for the benefit of favored classes, who were the exclusive objects of the care of the government.

It was not possible to reconstruct society in the United States upon the European plan. Here there was a written Constitution, by which orders and titles were not recognized or tolerated. A system of measures was therefore devised, calculated, if not intended, to withdraw power gradually and silently from the States and the mass of the people, and by construction to approximate our Government to the European models, substituting an aristocracy of wealth for that of orders and titles.

Without reflecting upon the dissimilarity of our institutions, and of the condition of our people and those of Europe, they conceived the vain idea of building up in the United States a system similar to that which they admired abroad. Great Britain had a national bank of large capital, in whose hands was concentrated the controlling monetary and financial power of the nation; an institution wielding almost kingly power, and exercising vast influence upon all the operations of trade, and upon the policy of the government itself. Great Britain had an enormous public debt, and it had become a part of her public policy to regard this as a "public blessing." Great Britain had also a restrictive policy which placed fetters and burdens on trade, and trammelled the productive industry of the mass of the nation. By her combined system of policy, the landlords and other property-holders were protected and enriched by the enormous taxes which were levied upon the labor of the country for their advantage.

Imitating this foreign policy, the first step in establishing the new system in the United States was the creation of a National Bank. Not foreseeing the dangerous power and countless evils which such an institution might entail on the country, nor perceiving the connection which it was designed to form between the bank and the other branches of the miscalled "American system," but feeling the embarrassments of the Treasury, and of the business of the country, consequent upon



the war, some of our statesmen who had held different and sounder views were induced to yield their scruples, and, indeed, settled convictions of its unconstitutionality, and to give it their sanction, as an expedient which they vainly hoped might produce relief. It was a most unfortunate error, as the subsequent history and final catastrophe of that dangerous and corrupt institution have abundantly proved. The bank, with its numerous branches ramified into the States, soon brought many of the active political and commercial men in different sections of the country into the relation of debtors to it, and dependents upon it for pecuniary favors; thus diffusing throughout the mass of society a great number of individuals of power and influence to give tone to public opinion, and to act in concert in cases of emergency. The corrupt power of such a political engine is no longer a matter of speculation, having been displayed in numerous instances, but most signally in the political struggles of 1832-33-34, in opposition to the public will represented by a fearless and patriotic President.

But the bank was but one branch of the new system. A public debt of more than one hundred and twenty millions of dollars existed; and it is not to be disguised that many of the authors of the new system did not regard its speedy payment as essential to the public prosperity, but looked upon its continuance as no national evil. While the debt existed, it furnished aliment to the National Bank, and rendered increased taxation necessary to the amount of the interest, exceeding seven millions of dollars annually.

This operated in harmony with the next branch of the new system, which was a high protective tariff. This was to afford bounties to favored classes and particular pursuits, at the expense of all others. A proposition to tax the whole people for the purpose of enriching a few, was too monstrous to be openly made. The scheme was, therefore, veiled under the plausible but delusive pretext of a measure to protect "home industry;" and many of our people were, for a time, led to believe that a tax, which in the main fell upon labor, was for the benefit of the laborer who paid it. This branch of the system involved a partnership between the Government and the favored classes—the former receiving the proceeds of the tax imposed on articles

imported, and the latter the increased price of similar articles produced at home, caused by such tax. It is obvious that the portion to be received by the favored classes would, as a general rule, be increased in proportion to the increase of the rates of tax imposed, and diminished as those rates were reduced to the revenue standard required by the wants of the Government. The rates required to produce a sufficient revenue for the ordinary expenditures of Government, for necessary purposes, were not likely to give to the private partners in this scheme profits sufficient to satisfy their cupidity; and hence a variety of expedients and pretexts were resorted to for the purpose of enlarging the expenditures, and thereby creating a necessity for keeping up a high protective tariff. The effect of this policy was to interpose artificial restrictions upon the natural course of the business and trade of the country, and to advance the interests of large capitalists and monopolists, at the expense of the great mass of the people, who were taxed to increase their wealth.

Another branch of this system was a comprehensive scheme of internal improvements, capable of indefinite enlargement, and sufficient to swallow up as many millions annually as could be exacted from the foreign commerce of the country. This was a convenient and necessary adjunct of the protective tariff. It was to be the great absorbent of any surplus which might at any time accumulate in the Treasury, and of the taxes levied on the people, not for necessary revenue purposes, but for the avowed object of affording protection to the favored classes.

Auxiliary to the same end, if it was not an essential part of the system itself, was the scheme, which at a later period obtained, for distributing the proceeds of the sales of the public lands among the States. Other expedients were devised to take money out of the Treasury, and prevent its coming in from any other source than the protective tariff. The authors and supporters of the system were the advocates of the largest expenditures, whether for necessary or useful purposes or not, because the larger the expenditures, the greater was the pretext for high taxes in the form of protective duties.

These several measures were sustained by popular names and plausible arguments, by which thousands were deluded.

The bank was represented to be an indispensable fiscal agent for the Government; was to equalize exchanges, and to regulate and furnish a sound currency, always and everywhere of uniform value. The protective tariff was to give employment to "American labor" at advanced prices; was to protect "home industry," and furnish a steady market for the farmer. Internal improvements were to bring trade into every neighborhood, and enhance the value of every man's property. The distribution of the land money was to enrich the States, finish their public works, plant schools throughout their borders, and relieve them from taxation. But the fact that, for every dollar taken out of the Treasury for these objects, a much larger sum was transferred from the pockets of the people to the favored classes, was carefully concealed, as was also the tendency if not the ultimate design of the system to build up an aristocracy of wealth, to control the masses of society, and monopolize the political power of the country.

The several branches of this system were so intimately blended together, that, in their operation, each sustained and strengthened the others. Their joint operation was, to add new burdens of taxation and to encourage a largely increased and wasteful expenditure of public money. It was the interest of the bank that the revenue collected and the disbursements made by the Government should be large, because, being the depository of the public money, the larger the amount, the greater would be the bank profits by its use. It was the interest of the favored classes, who were enriched by the protective tariff, to have the rates of that protection as high as possible; for the higher those rates, the greater would be their advantage. It was the interest of the people of all those sections and localities who expected to be benefited by expenditures for internal improvements, that the amount collected should be as large as possible, to the end that the sum disbursed might also be the larger. The States being the beneficiaries in the distribution of the land money, had an interest in having the rates of tax imposed by the protective tariff large enough to yield a sufficient revenue from that source to meet the wants of the Government, without disturbing or taking from them the land fund; so that each of the branches constituting the system had a com-

mon interest in swelling the public expenditures. They had a direct interest in maintaining the public debt unpaid, and increasing its amount, because this would produce an annual increased drain upon the Treasury, to the amount of the interest, and render augmented taxes necessary. The operation and necessary effect of the whole system were to encourage large and extravagant expenditures, and thereby to increase the public patronage, and maintain a rich and splendid Government at the expense of a taxed and impoverished people.

It is manifest that this scheme of enlarged taxation and expenditures had it continued to prevail, must soon have converted the Government of the Union, intended by its framers to be a plain, cheap, and simple confederation of States, united together for common protection, and charged with a few specific duties, relating chiefly to our foreign affairs, into a consolidated empire, depriving the States of their reserved rights, and the people of their just power and control in the administration of their government. In this manner the whole form and character of the Government would be changed, not by an amendment of the Constitution, but by resorting to an unwarrantable and unauthorized construction of that instrument.

The indirect mode of levying the taxes by a duty on imports prevents the mass of the people from readily perceiving the amount they pay, and has enabled the few who are thus enriched, and who seek to wield the political power of the country, to deceive and delude them. Were the taxes collected by a direct levy upon the people, as is the case in the States, this could not occur.

The whole system was resisted from its inception by many of our ablest statesmen, some of whom doubted its Constitutionality and its expediency, while others believed it was, in all its branches, a flagrant and dangerous infraction of the Constitution.

That a National Bank, a protective tariff, levied not to raise the revenue needed, but for protection merely, internal improvements, and the distribution of the proceeds of the sales of the public lands, are measures without the warrant of the Constitution, would, upon the maturest consideration, seem to be clear. It is remarkable that no one of these measures,



involving such momentous consequences, is authorized by any express grant of power in the Constitution. No one of them is "incident to, as being necessary and proper for the execution of the specific powers" granted by the Constitution. The authority under which it has been attempted to justify each of them is derived from inferences and constructions of the Constitution which its letter and its whole object and design do not warrant. Is it to be conceived that such immense powers would have been left by the framers of the Constitution to mere inferences and doubtful constructions? Had it been intended to confer them on the Federal Government, it is but reasonable to conclude that it would have been done by plain and unequivocal grants. This was not done; but the whole structure of which the "American system" consisted was reared on no other or better foundation than forced implications and inferences of power, which its authors assumed might be deduced by construction from the Constitution.

But it has been urged that the National Bank, which constituted so essential a branch of this combined system of measures, was not a new measure, and that its Constitutionality had been previously sanctioned, because a bank had been chartered in 1791, and had received the official signature of President Washington. A few facts will show the just weight to which this precedent should be entitled, as bearing upon the question of Constitutionality.

Great division of opinion upon the subject existed in Congress. It is well known that President Washington entertained serious doubts both as to the Constitutionality and expediency of the measure; and while the bill was before him for his official approval or disapproval, so great were these doubts, that he required "the opinion in writing" of the members of his Cabinet to aid him in arriving at a decision. His Cabinet gave their opinions, and were divided upon the subject, General Hamilton being in favor of, and Mr. Jefferson and Mr. Randolph being opposed to, the Constitutionality and expediency of the bank. It is well known, also, that President Washington retained the bill from Monday, the 14th, when it was presented to him, until Friday, the 25th day of February, being the last moment permitted him by the Constitution to

deliberate, when he finally yielded to it his reluctant assent, and gave it his signature. It is certain that, as late as the 23d of February, being the ninth day after the bill was presented to him, he had arrived at no satisfactory conclusion; for on that day he addressed a note to General Hamilton, in which he informs him that "this bill was presented to me by the joint committee of Congress at twelve o'clock on Monday, the 14th instant;" and he requested his opinion "to what precise period, by legal interpretation of the Constitution, can the President retain it in his possession, before it becomes a law by the lapse of ten days." If the proper construction was, that the day on which the bill was presented to the President, and the day on which his action was had upon it, were both to be counted inclusive, then the time allowed him, within which it would be competent for him to return it to the House in which it originated, with his objections, would expire on Thursday, the 24th of February. General Hamilton on the same day returned an answer, in which he states: "I give it as my opinion that you have ten days exclusive of that on which the bill was delivered to you, and Sundays; hence, in the present case, if it is returned on Friday, it will be in time." By this construction, which the President adopted, he gained another day for deliberation, and it was not until the 25th of February that he signed the bill; thus affording conclusive proof that he had at last obtained his own consent to sign it, not without great and almost insuperable difficulty. Additional light has been recently shed upon the serious doubts which he had upon the subject, amounting at one time to a conviction that it was his duty to withhold his approval from the bill. This is found among the manuscript papers of Mr. Madison, authorized to be purchased for the use of the Government, by an act of the last session of Congress, and now for the first time accessible to the public. From these papers, it appears that President Washington, while he yet held the bank bill in his hands, actually requested Mr. Madison, at that time a member of the House of Representatives, to prepare the draught of a veto message for him. Mr. Madison, at his request, did prepare the draught of such a message, and sent it to him on the 21st of February, 1791. A copy of this original draught, in Mr.

Madison's own handwriting, was carefully preserved by him, and is among the papers lately purchased by Congress. It is preceded by a note, written on the same sheet, which is also in Mr. Madison's handwriting, and is as follows:—

“*February 21, 1791.* Copy of a paper made out and sent to the President, at his request, to be ready, in case his judgment should finally decide against the bill for incorporating a national bank, the bill being then before him.”

Among the objections assigned in this paper to the bill, and which were submitted for the consideration of the President, are the following:—

“I object to the bill, because it is an essential principle of the Government that powers not delegated by the Constitution can not be rightfully exercised; because the power proposed by the bill to be exercised is not expressly delegated, and because I can not satisfy myself that it results from any express power by fair and safe rules of interpretation.”

The weight of the precedent of the bank of 1791, and the sanction of the great name of Washington, which has been so often invoked in its support, are greatly weakened by the development of these facts. The experiment of that bank satisfied the country that it ought not to be continued, and at the end of twenty years Congress refused to recharter it. It would have been fortunate for the country, and saved thousands from bankruptcy and ruin, had our public men of 1816 resisted the temporary pressure of the times upon our financial and pecuniary interests, and refused to charter the second bank. Of this the country became abundantly satisfied, and, at the close of its twenty years' duration, as in the case of the first bank, it also ceased to exist. Under the repeated blows of President Jackson, it reeled and fell, and a subsequent attempt to charter a similar institution was arrested by the veto of President Tyler.

Mr. Madison, in yielding his signature to the charter of 1816, did so upon the ground of the respect due to precedents; and, as he subsequently declared, “the Bank of the United States, though, on the original question, held to be unconstitutional, received the Executive signature.”

It is probable that neither the bank of 1791 nor that of 1816 would have been chartered but for the embarrassments

of the Government in its finances, the derangement of the currency, and the pecuniary pressure which existed; the first the consequence of the War of the Revolution, and the second the consequence of the War of 1812. Both were resorted to in the delusive hope that they would restore public credit, and afford relief to the Government and to the business of the country.

Those of our public men who opposed the whole "American system" at its commencement, and throughout its progress, foresaw and predicted that it was fraught with incalculable mischiefs, and must result in serious injury to the best interests of the country. For a series of years their wise counsels were unheeded, and the system was established. It was soon apparent that its practical operation was unequal and unjust upon different portions of the country, and upon the people engaged in different pursuits. All were equally entitled to the favor and protection of the Government. It fostered and elevated the money power, and enriched the favored few by taxing labor, and at the expense of the many. Its effect was to "make the rich richer, and the poor poorer." Its tendency was to create distinctions in society based on wealth, and to give to the favored classes undue control and sway in our Government. It was an organized money power, which resisted the popular will, and sought to shape and control the public policy.

Under the pernicious workings of this combined system of measures, the country witnessed alternate seasons of temporary apparent prosperity; of sudden and disastrous commercial revulsions; of unprecedented fluctuation of prices, and depression of the great interests of agriculture, navigation, and commerce; of general pecuniary suffering, and of final bankruptcy of thousands. After a severe struggle of more than a quarter of a century, the system was overthrown.

The bank has been succeeded by a practical system of finance, conducted and controlled solely by the Government. The Constitutional currency has been restored; the public credit maintained unimpaired, even in a period of foreign war; and the whole country has become satisfied that banks, national or State, are not necessary as fiscal agents of the Government. Revenue duties have taken the place of the protective tariff. The distribution of the money derived from the sale of the public



lands has been abandoned, and the corrupting system of internal improvements, it is hoped, has been effectually checked.

It is not doubted, that if this whole train of measures, designed to take wealth from the many and bestow it upon the few, were to prevail, the effect would be to change the entire character of the Government. One only danger remains. It is the seductions of that branch of the system which consists in internal improvements, holding out, as it does, inducements to the people of particular sections and localities to embark the Government in them without stopping to calculate the inevitable consequences. This branch of the system is so intimately combined and linked with the others, that as surely as an effect is produced by an adequate cause, if it be resuscitated and revived and firmly established, it requires no sagacity to foresee that it will necessarily and speedily draw after it the re-establishment of a national bank, the revival of a protective tariff, the distribution of the land money, and not only the postponement to the distant future of the payment of the present national debt, but its annual increase.

I entertain the solemn conviction, that if the internal improvement branch of the "American system" be not firmly resisted at this time, the whole series of measures composing it will be speedily re-established, and the country be thrown back from its present high state of prosperity, which the existing policy has produced, and be destined again to witness all the evils, commercial revulsions, depression of prices, and pecuniary embarrassments, through which we have passed during the last twenty-five years.

To guard against consequences so ruinous is an object of high national importance, involving, in my judgment, the continued prosperity of the country.

I have felt it to be an imperative obligation to withhold my Constitutional sanction from two bills which had passed the two Houses of Congress, involving the principle of the internal improvement branch of the "American system," and conflicting in their provisions with the views here expressed.

This power conferred upon the President by the Constitution, I have on three occasions, during my administration of the Executive Department of the Government, deemed it my

duty to exercise; and on this last occasion of making to Congress an annual communication "of the state of the Union," it is not deemed inappropriate to review the principles and considerations which have governed my action. I deem this the more necessary, because, after the lapse of nearly sixty years since the adoption of the Constitution, the propriety of the exercise of this undoubted Constitutional power by the President has for the first time been drawn seriously in question by a portion of my fellow-citizens.

The Constitution provides that "every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it."

The preservation of the Constitution from infraction is the President's highest duty. He is bound to discharge that duty, at whatever hazard of incurring the displeasure of those who may differ with him in opinion. He is bound to discharge it, as well by his obligations to the people who have clothed him with his exalted trust as by his oath of office, which he may not disregard. Nor are the obligations of the President in any degree lessened by the prevalence of views different from his own in one or both Houses of Congress. It is not alone hasty and inconsiderate legislation that he is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the Constitution or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. The President is bound to approve, or disapprove, every bill which passes Congress and is presented to him for his signature. The Constitution makes this his duty, and he can not escape it if he would. He has no election. In deciding upon any bill presented to him, he must exercise his own best judgment. If he can not approve, the Constitution commands him to return the bill to the house in which it originated, with his objections; and if he fail to do this within ten days (Sundays excepted), it shall become a law without his signature. Right or wrong, he may be overruled by

a vote of two-thirds of each House; and, in that event, the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision. The President's power is negative merely, and not affirmative. He can enact no law. The only effect, therefore, of his withholding his approval of a bill passed by Congress, is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of public agents who will carry out their wishes and instructions. Any attempt to coerce the President to yield his sanction to measures which he can not approve, would be a violation of the spirit of the Constitution, palpable and flagrant; and if successful, would break down the independence of the Executive Department, and make the President, elected by the people, and clothed by the Constitution with power to defend their rights, the mere instrument of a majority of Congress. A surrender, on his part, of the powers with which the Constitution has invested his office, would effect a practical alteration of that instrument, without resorting to the prescribed process of amendment.

With the motives and considerations which may induce Congress to pass any bill, the President can have nothing to do. He must presume them to be as pure as his own, and look only to the practical effect of their measures when compared with the Constitution or the public good.

But it has been urged by those who object to the exercise of this undoubted Constitutional power, that it assails the representative principle and the capacity of the people to govern themselves; that there is greater safety in a numerous representative body than in the single Executive created by the Constitution, and that the Executive veto is a "one man power," despotic in its character. To expose the fallacy of this objection, it is only necessary to consider the frame and true character of our system. Ours is not a consolidated empire, but a confederated Union. The States, before the adoption of the Constitution, were co-ordinate, coequal, and separate independent sovereignties, and by its adoption they did not lose that character. They clothed the Federal Government with

certain powers, and reserved all others, including their own sovereignty, to themselves. They guarded their own rights as States and the rights of the people, by the very limitations which they incorporated into the Federal Constitution, whereby the different departments of the General Government were checks upon each other. That the majority should govern is a general principle, controverted by none; but they must govern according to the Constitution, and not according to an undefined and unrestrained discretion, whereby they may oppress the minority.

The people of the United States are not blind to the fact that they may be temporarily misled, and that their representatives, legislative and executive, may be mistaken or influenced in their action by improper motives. They have, therefore, interposed between themselves and the laws which may be passed by their public agents various representations, such as assemblies, senates, and governors, in their several States; a House of Representatives, a Senate, and a President, of the United States. The people can by their own direct agency make no law; nor can the House of Representatives, immediately elected by them; nor can the Senate; nor can both together without the concurrence of the President, or a vote of two-thirds of both houses.

Happily for themselves, the people, in framing our admirable system of Government, were conscious of the infirmities of their representatives; and, in delegating to them the power of legislation, they have fenced them around with checks, to guard against the effects of hasty action, of error, of combination, and of possible corruption. Error, selfishness, and faction, have often sought to rend asunder this web of checks, and subject the Government to the control of fanatic and sinister influences; but these efforts have only satisfied the people of the wisdom of the checks which they have imposed, and of the necessity of preserving them unimpaired.

The true theory of our system is not to govern by the acts or decrees of any one set of representatives. The Constitution interposes checks upon all branches of the Government, in order to give time for error to be corrected and delusion to pass away; but if the people settle down into a firm conviction different



from that of their representatives, they give effect to their opinions by changing their public servants. The checks which the people imposed on their public servants in the adoption of the Constitution, are the best evidence of their capacity for self-government. They know that the men whom they elect to public stations are of like infirmities and passions with themselves, and not to be trusted without being restricted by co-ordinate authorities and Constitutional limitations. Who that has witnessed the legislation of Congress for the last thirty years will say that he knows of no instance in which measures not demanded by the public good have been carried? Who will deny that in the State governments, by combinations of individuals and sections, in derogation of the general interest, banks have been chartered, systems of internal improvement adopted, and debts entailed upon the people, repressing their growth and impairing their energies for years to come.

After so much experience, it can not be said that absolute unchecked power is safe in the hands of any one set of Representatives, or that the capacity of the people for self-government, which is admitted in its broadest extent, is a conclusive argument to prove the prudence, wisdom, and integrity of their Representatives.

The people, by the Constitution, have commanded the President, as much as they have commanded the legislative branch of the Government, to execute their will. They have said to him in the Constitution, which they require he shall take a solemn oath to support, that if Congress pass any bill which he can not approve, "he shall return it to the House in which it originated, with his objections." In withholding from it his approval and signature, he is executing the will of the people Constitutionally expressed, as much as the Congress that passed it. No bill is presumed to be in accordance with the popular will until it shall have passed through all the branches of the Government required by the Constitution to make it a law. A bill which passes the House of Representatives may be rejected by the Senate; and so a bill passed by the Senate may be rejected by the House. In each case the respective Houses exercise the veto power on the other.

Congress, and each House of Congress, hold, under the

Constitution, a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows, in the most solemn form, his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives or if, from any other cause, Congress, or either House of Congress, shall differ with him in opinion, they exercise their veto upon his recommendations, and reject them; and there is no appeal from their decision but to the people at the ballot-box. These are proper checks upon the Executive, wisely interposed by the Constitution. None will be found to object to them, or to wish them repealed. It is equally important that the Constitutional checks of the Executive upon the legislative branch should be preserved.

If it be said that the Representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both Houses represent the States and the people, so does the President. The President represents in the Executive Department the whole people of the United States, as each member of the legislative department represents portions of them.

The doctrine of restriction upon legislative and Executive power, while a well-settled public opinion is enabled within a reasonable time to accomplish its ends, has made our country what it is, and has opened to us a career of glory and happiness to which all other nations have been strangers.

In the exercise of the power of the veto, the President is responsible not only to an enlightened public opinion, but to the people of the whole Union, who elected him, as the Representatives in the legislative branches, who differ with him in opinion, are responsible to the people of particular States, or districts, who compose their respective constituencies. To deny to the President the exercise of this power, would be to repeal that provision of the Constitution which confers it upon him. To charge that its exercise unduly controls the legislative will, is to complain of the Constitution itself.

If the Presidential veto be objected to upon the ground

that it checks and thwarts the popular will, upon the same principle the equality of representation of the States in the Senate should be stricken out of the Constitution. The vote of a Senator from Delaware has equal weight in deciding upon the most important measures with the vote of a Senator from New York; and yet the one represents a State containing, according to the existing apportionment of Representatives in the House of Representatives, but one thirty-fourth part of the population of the other. By the Constitutional composition of the Senate, a majority of that body from the smaller States represent less than one-fourth of the people of the Union. There are thirty States; and, under the existing apportionment of Representatives, there are two hundred and thirty members in the House of Representatives. Sixteen of the smaller States are represented in that house by but fifty members; and yet the Senators from these States constitute a majority of the Senate. So that the President may recommend a measure to Congress, and it may receive the sanction and approval of more than three-fourths of the House of Representatives, and of all the Senators from the large States, containing more than three-fourths of the whole population of the United States; and yet the measure may be defeated by the votes of the Senators from the smaller States. None, it is presumed, can be found ready to change the organization of the Senate on this account, or to strike that body practically out of existence, by requiring that its action shall be conformed to the will of the more numerous branch.

Upon the same principle that the veto of the President should be practically abolished, the power of the Vice-President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice-President exercises the veto power as effectually by rejecting a bill by his casting vote as the President does by refusing to approve and sign it. This power has been exercised by the Vice-President in a few instances, the most important of which was the rejection of the bill to recharter the Bank of the United States in 1811. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by the Senators from the larger States, and the Vice-President may

reject it by giving his vote with the Senators from the smaller States; and yet none, it is presumed, are prepared to deny to him the exercise of this power under the Constitution.

But it is, in point of fact, untrue that an act passed by Congress is conclusive evidence that it is an emanation of the popular will. A majority of the whole number elected to each House of Congress constitutes a quorum, and a majority of that quorum is competent to pass laws. It might happen that a quorum of the House of Representatives, consisting of a single member more than half of the whole number elected to that House, might pass a bill by a majority of a single vote, and in that case, a fraction more than one-fourth of the people of the United States would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one of a quorum of the Senate, composed of Senators from the fifteen smaller States, and a single Senator from a sixteenth State, and if the Senators voting for it happened to be from the eight of the smallest of these States, it would be passed by the votes of Senators from States having but fourteen Representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States. This extreme case is stated to illustrate the fact, that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States, or truly reflect their will. If such an extreme case is not likely to happen, cases that approximate it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the Constitution, upon which all the members elected to both Houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in thin houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours, of a session, when they are disposed of in haste, and by Houses but little exceeding the number necessary to form a quorum.

Besides, in most of the States, the members of the House of Representatives are chosen by pluralities, and not by



majorities of all the voters in their respective districts; and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by the minority.

If the principle insisted on be sound, then the Constitution should be so changed that no bill shall become a law unless it is voted for by members representing in each House a majority of the whole people of the United States. We must remodel our whole system, strike down and abolish not only the salutary checks lodged in the Executive branch, but must strike out and abolish those lodged in the Senate also, and thus practically invest the whole power of the Government in the majority of a single assembly, a majority uncontrolled and absolute, and which may become despotic. To conform to this doctrine of the right of majorities to rule, independent of the checks and limitations of the Constitution, we must revolutionize our whole system. We must destroy the Constitutional compact by which the several States agreed to form a Federal Union, and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition; and yet the doctrine maintained, if carried out, must lead to this result.

One great object of the Constitution in conferring upon the President a qualified negative upon the legislation of Congress, was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate, and the veto power of the President, are the Constitutional guarantees which the smaller States have that their rights will be respected. Without these guarantees all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power, and its exercise upon proper occasions demanding it, is of vital importance. They ratified the Constitution, and entered into the Union, securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all laws passed by Congress, upon the express condition, and none other, that they should be approved by the President, or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both Houses. Upon this condition they

have a right to insist, as a part of the compact to which they gave their assent.

A bill might be passed by Congress against the will of the whole people of a particular State, and against the votes of its Senators and all its Representatives. However prejudicial it might be to the interests of such States, it would be bound by it if the President shall approve it, or it shall be passed by a vote of two-thirds of both Houses; but it has a right to demand that the President shall exercise his Constitutional power and arrest it, if his judgment is against it. If he surrender this power, or fail to exercise it in a case where he can not approve, it would make his formal approval a mere mockery, and would be itself a violation of the Constitution, and the dissenting State would become bound by a law which had not been passed according to the sanction of the Constitution.

The objection to the exercise of the veto power is founded upon an idea respecting the popular will, which, if carried out, would annihilate State sovereignty, and substitute for the present Federal Government a consolidation, directed by a supposed numerical majority. A revolution of the Government would be silently effected, and the States would be subjected to laws to which they had never given their Constitutional consent.

The supreme court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate and the House of Representatives, and the approval of the President, to be unconstitutional and void; and yet none, it is presumed, can be found, who will be disposed to strip this highest judicial tribunal under the Constitution of this acknowledged power, a power necessary alike to its independence and the rights of individuals.

For the same reason that the Executive veto should, according to the doctrine maintained, be rendered nugatory, and be practically expunged from the Constitution, this power of the court should also be rendered nugatory and be expunged, because it restrains the legislative and Executive will, and because the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking

this power of the court from the Constitution than there is that of the qualified veto of the President; because the decision of the court is final, and can never be reversed, even though both Houses of Congress and the President should be unanimous in opposition to it; whereas a veto of the President may be overruled by a vote of two-thirds of both Houses of Congress, or by the people at the polls.

It is obvious that to preserve the system established by the Constitution, each of the co-ordinate branches of the Government, the Executive, legislative, and judicial, must be left in the exercise of its appropriate powers. If the Executive or the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing, and the others impotent for the accomplishment of the great objects for which they were established. Organized as they are by the Constitution, they work together harmoniously for the public good. If the Executive and the judiciary shall be deprived of the Constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue, a consolidation of unchecked, despotic power, exercised by majorities of the legislative branch.

The Executive, legislative, and judicial, each constitutes a separate co-ordinate department of the Government, and each is independent of the others. In the performance of their respective duties under the Constitution, neither can, in its legitimate action, control the others. They each act upon their several responsibilities in their respective spheres; but if the doctrines now maintained be correct, the Executive must become practically subordinate to the legislative, and the judiciary must become subordinate to both the legislative and the Executive; and thus the whole power of the Government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins, to be succeeded, first by anarchy, and finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which

it will be my duty to administer the Executive Department, it will be my aim to maintain its independence, and discharge its duties, without infringing upon the powers or duties of either of the other departments of the Government.

The power of the Executive veto was exercised by the first and most illustrious of my predecessors, and by four of his successors who preceded me in the administration of the Government, and, it is believed, in no instance prejudicially to the public interests. It has never been, and there is but little danger that it ever can be, abused. No President will ever desire unnecessarily, to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he can not escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the Constitution from infraction, or the public good, may demand it, than that he will ever exercise it unnecessarily or wantonly.

During the period I have administered the Executive Department of the Government, great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may, indeed, be truly said that my administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best judgment. The impartial arbitrament of enlightened public opinion, present and future, will determine how far the public policy I have maintained, and the measures I have from time to time recommended, may have tended to advance or retard the public prosperity at home, and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is, that in a spirit of harmony and concord you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country.



In this message the President appeals to the purity of his motives, and makes the strongest possible apology for the exercise of the veto power, and sets forth the general work and results of his Administration without any great effort to defend any of its measures. The message carries the general impression that Mr. Polk felt his Administration to be in no need of defense, that a little time would determine its value to the country beyond all chance of dispute. He again takes occasion to hold up to the country the paramount importance of the Union undivided, above all other considerations; and urges Congress to support the Missouri Compromise in disposing of the territorial questions before it.

The message also shows the great success of the new independent Treasury (Van Buren Sub-Treasury). The extraordinary test of war on the Treasury and the specie currency had disappointed the remaining advocates of the old bank and paper system. War with Mexico was hardly necessary, however, to prevent the re-enactment of the former banking system of the Government.

The question of providing governments for the newly acquired territory became the most important and difficult work before Congress at this session. Here again the slavery issue took a new form, and the contest became fierce and alarming. This extreme movement did not, however, arise until the last of February. The now common filibustering trick of attaching some incongruous and mischievous appendage to appropriation bills was then not in vogue,

nor was it considered reputable legislation. When the civil and diplomatic or general appropriation bill came to the Senate, Isaac P. Walker, of Wisconsin, moved that what he termed an amendment, having nothing whatever to do with the subject of the bill, should be attached to the bill providing for a form of government for the acquired territory, and for "extending the Constitution over" that territory. It appeared that Walker was only the instrument of Mr. Calhoun in regard to this new doctrine and the novel way of bringing it forward. At all events Mr. Calhoun, at once, stood out as its champion and defender. Mr. Webster led in combating the doctrine and the mode of presenting it.

Of this new turn in Mr. Calhoun's tactics Mr. Benton has made this statement :—

"The question took a regular slavery turn, Mr. Calhoun avowing his intent to be to carry slavery into the territories under the wing of the Constitution, and openly treated as enemies to the South all that opposed it. Having taken the turn of a slavery question, it gave rise to all the dissension of which that subject had become the parent since the year 1835. By a close vote, and before the object had been understood by all the Senators, the amendment was agreed to in the Senate, but immediately disagreed to in the House, and a contest brought on between the two Houses by which the great appropriation bill, on which the existence of the Government depended, was not passed until after the Constitutional expiration of the Congress at midnight of the 3d of March, and was signed by Mr. Polk (after he had ceased to be President) on the 4th of March, the law and his approval being antedated of the 3d, to prevent its invalidity from appearing on the face of the

act. Great was the heat which manifested itself, and imminent the danger that Congress would break up without passing the general appropriation bill; and that the Government would stop until a new Congress could be assembled—many of the members of which remained still to be elected. Many members refused to vote after midnight, which it then was. . . .

“The House of Representatives had ceased to act, and sent to the Senate the customary message of adjournment. The President who, according to the usage, had remained in the Capitol till midnight to sign bills, had gone home. It was four o’clock in the morning of the 4th, and the greatest confusion and disorder prevailed. Finally, Mr. Webster succeeded in getting a vote, by which the Senate receded from the amendment it had adopted, extending the Constitution to the territories; and that recession leaving the appropriation bill free from the incumbrance of the slavery question, it was immediately passed.

“This attempt, pushed to the verge of breaking up the Government in pursuit of a newly invented slavery dogma, was founded in errors too gross for misapprehension. In the first place, as fully shown by Mr. Webster, the Constitution was not made for territories, but for States. In the second place, it can not operate anywhere, not even in the States for which it was made, without acts of Congress to enforce it. This is true of the Constitution in every particular. Every part of it is inoperative until put into action by a statute of Congress.”

The sequel to this matter was the production of an address in secret meeting of Southern members of Congress, an address written by Mr. Calhoun mainly, setting forth the paramount importance of the slavery issue to that section of the Union. All, of course, only serving to continue the excitement,

and widen the chasm opening between these two great sections.

Amidst these scenes of sectional strife closed the Administration of Mr. Polk. It had been an exciting and interesting period in the country's history, although the people were greatly divided as to the benefits of its measures and events, and the South was disappointed as to the results of territorial acquisition in the establishment and extension of slavery.



## CHAPTER XXVIII.

GREAT EVENTS OF POLK'S ADMINISTRATION—A BRIEF  
VIEW—MR. POLK'S PUBLIC CAREER—RELIGIOUS  
CHARACTER—DEATH—THE MAN AND  
HIS DEEDS.

MOST of the Whigs, and not a few Democrats, believed the war with Mexico unjust and unnecessary on the part of the United States. Most Whigs and many Democrats believed that all that was gained in the way of territory, etc., by the war, would in the course of time, have come by persistent, friendly negotiation. They believed, too, that the President had entered upon a war unconstitutional, in sending an army into Mexico, or into disputed territory, and, therefore, bringing on hostilities without the sanction of Congress. It was not necessary to station the army west of the Nueces, if it was necessary to send an army to Texas at all. With all the bluster of the Mexicans, it is clear enough that they never would have ventured into a conflict with this country, if the "army of occupation" had been kept to the east of the Nueces River. But perhaps several of the sixteen Congressmen who voted against the declaration of war, when war had actually begun, would not have done so, had it not been for the preamble in the bill, that war existed "by the act of

the Republic of Mexico." This pretext was an invention of the Administration. The Whigs, to say nothing of many others, believed the charge to be wholly untrue, and that the President and his advisers had begun the war, and without just grounds. Some who did vote for the war measure, did so under protest, and others did so because there was no help for the case, and in any emergency, right or wrong, they could not desert the country. The Mexicans did cross the Rio Grande and attack the Americans, but General Taylor had disregarded their repeated warnings, and finally, as they believed and notified him, began the war by marching his army into the territory which they held to be no part of Texas. If they had first shed blood, they had done so in an attempt to drive an invader from their soil.

Garrett Davis, of Kentucky, who declined to vote on the war bill, said the preamble to the bill was a falsehood, and that instead of the Mexicans being the aggressors, the President had himself begun the war by a series of acts in which he was not justified, and he now desired Congress to sanction a wrong for which he was wholly responsible himself. But these were the general sentiments of the opponents of the war, who were not, however, all agreed as to the seat of the responsibility. Mr. Benton, especially, held, from the outset, that Mr. Calhoun was responsible, and not the new Administration. Mr. John Quincy Adams was not long in detecting the willingness with which Mr. Calhoun and his friends gave up the extreme line at the

north on the Pacific, and how eager they were to get all of Mexico they possibly could. The chances of slavery now altered the circumstances, however little the "institution" could have influenced the designs of the Louisiana filibusters in 1815. Although Mr. Polk had earnestly favored the annexation of Texas to this country in 1844, he had as earnestly advocated the maintenance of the American claim to the line of fifty-four degrees and forty minutes of north latitude on the Pacific Ocean. Whatever may be charged to the motives of the Southern politicians, the view can not be sustained that Mr. Polk really desired the extension of slavery, or the acquisition of territory that room might be made for the expansion of slavery and the political power resting upon it. However he failed to give shape to his better motives and sentiments in the struggles for political preferment and success, one thing is certain, Mr. Polk was not a friend of slavery, as may be seen in another chapter of this volume.

Besides the Oregon question, Texas annexation, and the Mexican war, the three important matters before Mr. Polk's Administration, there were the continued and bitter agitations of the slavery issue; the continuance of the tariff and internal improvement struggles, and the provision of an *ad valorem* system of duties; and the establishment of the national or independent Government Treasury system, collecting the revenues in treasury-notes and specie, and conducting the entire financial

concerns of the Government under the control of the Treasury Department without the use of banks.

In his Cabinet Mr. Polk was fortunate. Although not always united in the support of measures, the general harmony in it was never disturbed. In 1846, a vacancy occurring in the diplomatic corps, Mr. Bancroft was sent as Minister to England. Mr. Polk knew how to provide for his friends, and to gratify Mr. Bancroft and furnish him this rare opportunity to gather material for his history of the colonial and early days of the United States, without expense to himself, he was appointed to this foreign mission. John Young Mason, the Attorney-General, took the position at the head of the Navy Department, and Nathan Clifford, of Maine, entered the Cabinet as Attorney-General. In 1848, Mr. Clifford was sent with the Trist or Guadalupe Hidalgo Treaty to Mexico, and Isaac Toucey, of Connecticut, succeeded him in the office of Attorney-General.

In the Presidential race of 1844, one of the prominent issues was on the tariff question. Yet so fortunately or artfully was the matter conducted on the part of Mr. Polk and his friends that the contest assumed a degree of moderation which the case in no way justified. Still, while Mr. Clay was undoubtedly a strong tariff man and protectionist, he had, two years before, partially pledged his party and himself to favor a nearer approach of the tariff legislation to a mere revenue standard. And Mr. Polk's Kane letter so beclouded the case that in



Pennsylvania and other high tariff and protectionist regions, they said there was no difference between the candidates, that Mr. Polk was about as good a tariff man as Henry Clay. On this point they were undeceived in Mr. Polk's first annual message. There the American language was more efficient in making known his views on this important issue than it had been in the Kane letter. Exactly how this came about, may be matter of varied conjecture, and not always to the credit of Mr. Polk. Still he was the instrument of his party, which must share with him the sin of taking false advantage of an opportunity. The peculiar circumstances tempted him and also forced him to construct the Kane letter as he did, and the Northern people, especially, were deceived by it. They then chose to keep themselves deceived. As President, Mr. Polk could say what he could not have said as a candidate for the Presidency. His first annual message, accordingly, laid open the case as it really always had been with him. The moderate, cautious, and ambiguous terms of the Kane letter are not to be found in the message, which was a forcible argument in favor of free trade. The tariff of 1842 was bitterly and plainly decried, and Congress was urged to proceed in the work of substituting *ad valorem* for specific duties.

This message was followed by the report of the Secretary of the Treasury, setting forth, in an elaborate manner, the views which were to be maintained by the Administration; and about the middle

of June, 1846, the House of Representatives began the consideration of a bill for the repeal of the obnoxious tariff of 1842. The discussion of the subject continued for two or three weeks, and the manufacturèrs from various parts of the country exerted every possible means, by their presence in Washington, and through their agents, to prevent an unfavorable result to their interests; but on the 3d of July, the bill was passed in the House by a strict party vote of 114 against 95, but one Whig voting for the measure. Still the bill had to be tested in the Senate, a body more evenly divided, and there its fate was doubtful. During the contest a Senator from North Carolina resigned his seat, and a Whig from Tennessee refusing against the instructions of his State to vote, it was found that the Senate was equally divided on the subject, and the vote of Mr. Dallas, the Vice-President, became necessary for a decision. On the 28th of July the bill passed the Senate with a slight amendment, which was accepted, and finally passed in the House by a vote of 115 to 92. President Polk signed the bill at once, but the tariff of 1846 came no nearer settling the great and poorly understood subject of protection and free trade than had its predecessors, or than have all the subsequent experiments, discussions, and theories bearing upon the same matter. But the tariff of 1846 subserved the purposes of the country, even in times of war, and the experiences of time have not proven that it was one of the evils of Mr. Polk's Administration, although it was deeply and loudly

complained of in the manufacturing regions, and had no small influence on the Presidential race in 1848.

A bill was passed late in the first session of Congress under Mr. Polk, greatly modifying the warehousing system of the country, and this was held as a wise feature of the policy of the party in power. Early in the session of 1845, an attempt was made to establish a treasury on the general plan undertaken by Mr. Van Buren, but the bill did not pass the House until April 2, 1846, and then hung in the Senate until the first day of August, when it was passed by a vote of 28 to 25. This measure was an important step forward in the long series of efforts to establish an independent, safe United States Treasury. And although the Democrats had taken the initiative in this wise measure, a time came in the progress of events when they mistrusted the virtues of the engine they had created, and shifted places with the political heirs and successors of the Whigs.

A very decided majority in Congress at the beginning of Mr. Polk's Administration favored a thorough-going system of internal improvements by the General Government, and the chronic struggle on this topic at once began. A bill for the improvement of harbors and rivers was passed in the Senate on the 24th of July, 1846, by a vote of 34 to 16, having previously passed in the House by a majority of 19 votes. On the 3d of August, President Polk vetoed this bill, and in his long message reviewed the course of this subject from the foundation of the Govern-

ment, taking the position mainly occupied by his Democratic predecessors. But Congress did not give up the struggle with this fairly tested defeat. At the next session another bill was passed in both Houses, in the Senate on the last day of the session, March 3d, appropriating \$600,000 for the same purpose, but this the President proceeded to veto in another message on the 15th of December, 1847. Other attempts were made, but there was no chance to harmonize the President and his friends, and the contest ended, as it had always done before, with the contestants more firmly fixed in the correctness of their own views and policy.

The 4th of March, 1849, being Sunday, that day was without a President, General Taylor being inaugurated on the 5th. Mr. Polk accompanied his successor in the inauguration ceremony, and on the following day left Washington on his way to Tennessee. He was barely able to endure the fatigues of this long and ceremonious journey. All the arrangements were made at the expense of his party friends before he started down the Potomac. The route lay through Richmond, Charleston, and other principal cities of the South, including New Orleans. In a speech at Richmond, he urged the necessity of "preserving this Union," and in the brief replies to addresses of welcome at various points, feelings of patriotism and general kindness were uppermost in his thoughts. In the last four years he had become gray-headed; and his "constitution," never strong, had broken down. Before reaching Nashville he



was greatly reduced by an attack of illness, with him long chronic, from which he never really recovered. During his Presidency he had bought, through his friends, the old home of Felix Grundy, in the center of Nashville, and in this he took up his residence, a few days after his return. Here he hoped to recover his health, and live in quiet for many years. It does not appear that he had any design of re-entering his profession, or again seeking public place. Like most other retiring Presidents of the United States, he was simply to become another of the quiet shrines not repugnant to political leaders in this Republic, no matter how radically democratic the platforms on which they have ridden into power. He had planned a tour to Europe; and with a view of writing a "history of his times," had, during his last year in Washington, kept a daily record of thoughts and events. And one thing is evident, that when he reached his home in Nashville, although greatly broken in health, he had not the remotest idea that his life was so near its end. He had, however, often told Mrs. Polk that she would outlive him. The following to one of his warmest flatterers, was among his last letters, but has in it only signs of relief and hope :—

"NASHVILLE, TENNESSEE, May 9, 1849.

"MY DEAR SIR,—On my arrival at my residence early in the last month, I received your note of the 12th of March, inclosing to me, as I had requested you to do, the nine articles on the Oregon question, which originally appeared in the columns of the 'Pennsylvanian.'

"I thank you for them, and beg, through you, to make

my acknowledgments to the beautiful lady, by whom, you inform me, one of them was copied from your files. As you inform me she is one of my best friends, I will be careful to preserve the copy.

"Now that I am a private citizen, relieved from all public responsibilities, I am quietly at home, enjoying the repose which I so much needed. I was seriously indisposed during the latter part of my return journey home from Washington, but my health is entirely restored.

"I desire that you will consider me a subscriber to the 'Pennsylvanian,' and have the paper forwarded to me.

"I am, with great respect,

"Your friend and ob'dt serv't,

"JAMES K. POLK.

"JOHN W. FORNEY, Esq., Philadelphia."

His old affliction (diarrhœa) soon returned, however, and this time he was unable to regain the mastery. He slowly went down, and at twenty minutes before five o'clock on the 15th of June, 1849, died.

With Masonic and other ceremonies, amidst a large gathering of the people, at four o'clock on the 16th, his funeral took place, the body being hermetically sealed in a copper coffin, and deposited temporarily in a vault in the cemetery. By his side at his death were his brother, Wm. H. Polk, his wife, and his mother. His mother expected him to be baptized by a Presbyterian clergyman, but he assured her that in this at that late date he must have his own way, although he had never refused before to obey her. He was, therefore, baptized and received into the Methodist Church.

For several weeks after his death, commemorative ceremonies were held, and eulogies delivered in honor of Mr. Polk; and the usual tokens of respect were shown in other countries. In speaking of his character and services, a political opponent writing from Paris said: "One thing is certain, that the American Republican Union and character rose more in Europe during Mr. Polk's Administration than under any other since the era of Washington. The conquest of Mexico was at the same time a victory over the European mind and spirit as to the United States."

"The Evening Bulletin," of Philadelphia, in commenting on the character and Administration of Polk, June 19, 1849, said:—

"The ex-President was a man of considerable talent, of honest purposes, and of a calm, dispassionate nature. Without exactly enjoying abilities of the first, or even second order, he possessed an industry which frequently placed him along-side of men vastly his superior in natural gifts. . . . His nomination by the Baltimore Convention was the result of his consistency as a partisan, and of his character for honesty, rather than for any opinion entertained of him as a brilliant orator, an original thinker, or a great statesman. His Administration, by a peculiar train of circumstances, partly the result of his own wishes, partly accidental, became one of the most eventful in the annals of this country, and will furnish a fruitful source of debate to future historians."

Mr. J. B. McFerrin, a Methodist Episcopal clergyman, of Nashville, who attended Mr. Polk in his last illness, made a statement, dated July 26, 1849,

in a Nashville paper, concerning the Christian character of Mr. Polk, and to settle some unnecessary controversy on that subject. In this paper Mr. McFerrin says:—

“Of Mr. Polk’s morality many commendatory things have been said, and said truly. A more just, upright, and honest man in all his dealings with his fellow-men our beloved country could never boast. . . . Nothing profane, vulgar, nor unseemly fell from his lips; no mark or sign of dissipation ever blotted or stained his character, but temperance and moderation were exhibited in all his public and private walks. So discreet, grave, and uniform was his deportment, that it has often been remarked that he had more the appearance of a staid clergyman than that of the politician. Indeed, the writer has often in Mr. Polk’s younger days heard him denominated ‘parson,’ because of the gravity of his manners. . . . Mr. Polk was a firm believer in the Christian religion, and a constant reader of the Holy Scriptures, which he fully believed were of divine origin. . . .

“The Sabbath-day he regarded as holy, and was a regular attendant at the house of worship, where he always demeaned himself more in the character of a devout worshiper than as one who merely listened attentively to the ministrations of the pulpit. . . .

“He was purely evangelical in his sentiments, as the writer believes, and strongly Methodistic in his views, and here was the point on which his preference for the Methodist Church turned. Not that he esteemed lightly Christians of other Churches, or doubted their true piety, but because he had those strong and peculiar views of the spirituality of religion taken by the Wesleyans. . . . He was thoroughly satisfied that to be a Christian he must be one in experience and practice, as well as in theory; hence he lamented in his last sickness that he had not given



himself wholly to the work of his salvation, so that he might, in his eventful life, have honored the institutions of the Christian religion. . . .

“For more than twenty years he had entertained the fixed purpose of uniting himself with the Church, and all the preliminaries had been settled previous to his last sickness. . . .

“The idea of a ‘death-bed repentance’ was, to use his own language, ‘most humiliating to his mind.’ It seemed to say to the world that he had not been willing to honor the institutions of the Gospel in his best and strongest days. . . .

“After several days of private meditation and prayer, and full and unreserved conversation with his pious wife, he determined to avail himself of the counsel and special prayers of the ministers of the Gospel. . . . He accordingly sent for three of the ministers of the city, his old acquaintances and personal friends, and to two of them, one being absent, he unreservedly opened his mind; and finally, after mature deliberation and much preparation, he was admitted into the Church of his choice, by baptism, and received the holy Eucharist. . . .

“A short time previous to baptism he called his brother, Major William H. Polk, to his bedside, and in the presence of the ministers said: ‘My brother, you are my only surviving brother, and I now wish to state to you what is the wish of my heart. For more than twenty years I have entertained the determination to unite with the Church of God; and of consecrating myself to his service; but this I have strangely, and by a course of folly, neglected; but I am now resolved to consummate my purpose, and have therefore requested my reverend friend, Mr. McFerrin, to administer to me the sacraments of the Church; and this I do after much thought and mature deliberation, and proceed with self-distrust, but firmly relying upon the mercy of our Lord Jesus Christ. . . .

Soon after he received the sacraments of the Church, he expressed peculiar satisfaction in what he had done. . . .

"This occurred eight days before his death. . . .

"A few hours before he died, his wife said to him, 'We will meet in Eternity.' 'Yes,' said he, 'a happy Eternity.' These are the last words he uttered in reference to his future hopes. He soon after began rapidly to sink, and without a struggle he fell asleep, as a weary man would resign himself to sleep after the toils of a summer day. . . .

"He was a Methodist in faith and feeling, and had determined to be one in name and by actual membership. Hence his friends and enemies, if enemies he had, may rest quietly and calmly on the matter of his religious opinions, or cease to ask the question, 'Why he joined the Methodist Church.' He was a Methodist from 'solemn convictions of the truth of the doctrines of that Church, and of the beauty and efficiency of its government.'"

Thus died James Knox Polk, a President of the United States, having neglected till his dying hour what he had been on the point of doing for nearly half his short life. It was humiliating to this conscientious, just, and sensible man to think that now at the last hour, when weak and helpless, and hopeless, he was compelled to seek the friendship, without which he felt himself lost, and unable to pass through the "valley and the shadow," when in the days of his manly vigor he did not feel its need, and shrank from proclaiming such relationship. In private he had been more careful in preserving his purity and the teachings of Christianity than his public life ever indicated. He had always searched the Scriptures, and actually felt that in them was

the way to eternal life. But he put off acknowledging this fact before men, until he himself was an object of pity, and the force of a brave, manly example was lost to the world.

At last he could say no more than others had done, "Here I am." But what might that avail, and how unwise! The whitened sepulcher could say that much. And who could tell that the natural answer would not be, "I know you not." Well might this dying President be ashamed of his late hour. It was not wise, not safe, not reputable. But this one thing was his crime. Virtually in his character, where Christianity only dwells, he had been a Christian, and it was really, perhaps, not presumption or over-enthusiasm on his part which induced him to say toward the last, "I am ready for dissolution." Death-bed religion alone is the poorest and most deplorably mean and worthless thing that has ever been invented in this world. If there is anything in the friendship of Heaven, it would not take much of a philosopher to see that it should be early, old, and permanent. It would have been better for this earth, perhaps, if the good old poet had never sung that unreasonable, unnatural, unphilosophical, and extremely doubtful sentiment:

"While the lamp of life holds out to burn,  
The vilest sinner may return."

## CHAPTER XXIX.

A WONDERFUL WILL—RESIDENCE AND TOMB IN THE  
HEART OF NASHVILLE—MR. POLK AN EMANCIPA-  
TIONIST—THE POLKS IN THE WHITE HOUSE—  
PORTRAITS—GENERAL JACKSON AND AUNT  
RACHEL—A PLEASING STUDY.

THE following extracts are taken from Mr. Polk's will, one of the most remarkable documents ever written by an American lawyer:—

“And as my beloved wife, Sarah Polk, and myself have mutually agreed with each other, that at our respective deaths, it is desired by us, that our bodies may be interred on the said premises, which I have denominated the Polk Place, and as it is also our desire that the said house, lot, and premises, shall never pass into the hands of strangers, who are not related to me by consanguinity, I do hereby, with a view to prevent such contingency, devise, bequeath, and give, the said house, lots, and premises and all the appurtenances thereunto belonging, or appertaining, from and after the death of my said wife, to the State of Tennessee, but to be held by the said State of Tennessee in trust, for the following uses, objects, and purposes, and none other, that is to say: the said State of Tennessee, through its Governor for the time being, or if he should decline to assume the obligation of the trust, then through such other person as the Legislature of the said State may from time to time empower and authorize for the purpose, shall permit the



said house, lots and premises to be occupied and enjoyed by such one of my blood relations having the name of Polk, as may be designated by the said State, or its authorized agent, preferring always my nearest of kin of the name of Polk, if there be such a person, who shall be deemed worthy, and a proper person to occupy the same; but if at any time there shall be no blood relation bearing the name of Polk, then the said house, lots, and premises shall be occupied and enjoyed by such other of my blood relations as may be designated by the said State to execute the trust. Whichever of my blood relations shall after the death of my said beloved wife, Sarah Polk, use, occupy, and enjoy the said house, lots, and premises, shall be required to keep the same in repair, so as to prevent therefrom dilapidating or falling into decay; shall pay the public taxes thereon, and shall preserve and keep in repair the tomb which may be placed or erected over the mortal remains of my beloved wife and myself, and shall not permit to be removed, nor shall any buildings or improvements be placed or ordered over the spot where the said tomb may be. I request the public authorities of the State of Tennessee, whose people I have so long served in various public stations, and to whom I am under so many obligations of gratitude, at the death of my beloved wife, Sarah Polk, to accept and execute the trust specified in this demise. . . .

“Should I survive her (Mrs. Polk), unless influenced by circumstances which I do not now foresee, it is my intention to emancipate all my slaves, and I have full confidence, that if at her death she shall deem it proper, she will emancipate them.”

This remarkable will is likely to give the State a great deal of trouble after the death of Mrs. Polk. The extraordinary feature, that of the entail of the “house, lots, and premises” where he lived and where

he is buried in Nashville, is unwise and unrepublican, and contrary to the spirit of the country. It would seem amazing that a Democratic President would attempt to perpetrate such an act. What would Thomas Jefferson, after his conquest and destruction of primogeniture in Virginia, the most aristocratic and Anglican of the original Colonies, have thought of the effort to re-establish the principle in Tennessee? And for what? To please and patronize the oldest and most worthy consanguineous Polk would not be adequate. Eventually it might become a serious matter for the Legislature of Tennessee to determine the most worthy. To carry this provision out for a few generations might become a very intricate, delicate, and unsatisfactory trust. It must be confessed that this bears the appearance of an unworthy act in the life of James K. Polk. An attempt, that must prove abortive, to establish an eternal shrine for himself in the heart of a great city. To impose such a trust upon the community, willing to do justice, of its own accord, to his memory, was not unmixed with extreme selfishness; to desire his tomb to be separated from those of the men with whom he lived was not republican, was too aristocratic and exclusive to become a matter of admiration in America. The only palliation there is in the case, if such thing could have any apology, may be found in the tendency of most of the Presidents who preceded him to do the same thing.

It is not necessary or pleasing to enlarge on a subject that can have few supporters. This will has

never been made public. I found it among the records of the county in the office of the County Clerk at Nashville.

On the 22d of May, 1850, the remains of President Polk, which had been, at his death, deposited in the vault of a friend in the cemetery of Nashville, were removed with Masonic and other ceremonies, to the vault prepared for them in front of his former residence. Bishop Otey, an old friend of Mr. Polk, was the orator of the occasion, and although well acquainted with Mr. Polk, his estimate of his Christian character was hardly correct, nor was it fully approved by the now venerable widow. On that day a Nashville paper contained this remark, among other things, concerning Mr. Polk:—

“Whatever difference of opinion there may be upon the policy of his Administration, there is none as to the blameless purity of the man, his unswerving fidelity to his country, and his ceaseless devotion to the extraordinary labors of his term; more burdensome than of any other in our history. He had hardly time, after returning again to private life and its comforts, to which he had been so long a stranger, to look back upon the stormy scenes in which he had displayed so distinguished a part, before he was cut down.”

The yard in front of the Polk residence is set in shrubbery, and in the midst of this stands the tomb under which lie the remains of the eleventh President of the United States, although on the front face of the structure, in the frieze, is an inscription which strangely reads: “James Knox Polk, 10th President

of the U. S., Born 2d Nov. 1795, Died June 15th, 1849."

On the east face of the monument is this inscription: "The mortal remains of James Knox Polk are resting in the vault beneath. He was born in Mecklenburg Co., North Carolina, and emigrated with his father, Samuel Polk, to Tennessee in 1806. The beauty of virtue was illustrated in his life. The excellence of Christianity was exemplified in his death."

On the south side are these words: "By his public policy he defined, established, and extended the boundaries of his country. He planted the laws of the American Union on the shores of the Pacific. His influence and his counsel tended to organize the National Treasury on the principles of the Constitution, and to apply the rule of Freedom to Navigation, Trade and Industry."

And on the north face are the following words: "His life was devoted to the public service. He was elevated successively to the first places in the State and Federal Governments. A member of the General Assembly; a member of Congress, and Chairman of the most important Congressional Committees; Speaker of the House of Representatives; Governor of Tennessee and President of the United States."

The west face is without writing of any kind, and is designed for the epitaph of the widow. Part of this inscription was evidently taken from George Bancroft's notice in England of Mr. Polk's death.

The estate of President Polk and his wife, at the time of his death, amounted to between seventy-five



and one hundred thousand dollars; but this included a few slaves. From his legal practice he derived a support, but his fortune was mainly inherited by himself and Mrs. Polk, both of them also inheriting slaves. Mr. Polk was charged with being an emancipationist at an early time in his political contests in Tennessee, by his Whig opponents. He or his friends denied this electioneering charge, and the Whigs themselves did not believe it to be true. But it was true. That Mr. Polk was an emancipationist is clearly enough seen in his "will." While he was a Southern man, and his political views were in harmony with the purposes of his section as to territorial and other privileges for the South, he was never satisfied as to the very existence of the institution of slavery, and believed that it must some day fall. While it was natural enough for Freesoilers, Northern Whigs, and others to charge that Mr. Polk slipped away from his former position as to the Oregon boundary with the Southern policy of preventing territorial expansion north of the slave or Missouri Compromise line, yet this was a mistake, and in that mistake have labored all the writers on his Administration. He was not, at heart, in sympathy with the extension of slavery. With Washington, Jefferson, Madison, Clay, Andrew Johnson, and many other Southern men, he was an emancipationist, and his wife, unlike those of other Presidents from the South, earnestly and fully shared with him in this sentiment. This matter is now plain, however much it may startle many of his political friends and opponents.

The widow of President Polk was Sarah Childress, daughter of Joel Childress and his wife, Elizabeth Whitsitt. She was born September 4, 1803, in or near Murfreesboro, Tennessee, and was married to Mr. Polk, September 1, 1824. Joel Childress was a Virginian, and his wife a native of North Carolina. He early became a citizen of Tennessee, where he was known as an enterprising and upright merchant. He died in 1819 at the age of forty-four; and his wife died in 1862 in her eightieth year.

They were both Presbyterians, and like the great mass of people in that, and even this, age of this country, possessed of little of what is commonly regarded as education. But they were numbered among the good and valuable people of the community. Two of their four children are yet living. One of them, John W. Childress, at an advanced age, is living at Murfreesboro, and has a large family. The other living child is Mrs. Sarah Polk.

Mrs. Polk was sent, in 1818, to "complete her education" at the old Moravian Institute, at Salem, North Carolina, where she remained for two years. During the fourteen years Mr. Polk was in Congress she usually spent the winters with him in Washington, where she was soon recognized as one of the leading "society women," much to the satisfaction of Mr. Polk, who caring little for society himself was very willing to have a faithful representative in the fickle world. She and her husband both inherited "easy circumstances," and were able, without risk, to conform to the demands of fashion in

“Congressional circles.” But at that day life in Washington was less expensive than it is now. The aristocratic mess system of that time long since terminated. Then a few congenial members and their families forming select sets were accustomed to rent rooms in some of the many boarding-houses, and have a parlor in common, but excluding all persons not invited or authorized by some member of the set. For a time Mrs. Polk and her husband made a part of one of these “sets.”

Mr. Polk was not himself a society man, while not being at all indifferent to the demands of society upon public men. He was a student, and when in Washington gave himself to business and the duties of his position rather than to fashionable folly and pastime. He was in this conscientious, as he was, perhaps, in everything he did from his college days to the end of his life. He was very favorable to the society tendencies of his wife. Recognizing what he believed to be the obligations, and certainly the policy, of aspiring men to society, he hoped by her course himself to be relieved from much of the drudgery and harassment from that source. He was accustomed to say that she had nothing else to do, which was unfortunately often true, and that her presence would go far towards relieving him, and thus he would be enabled to satisfy the demands upon himself by the least possible draft upon his feelings and employments. Mostly at the dinners and receptions he appeared with Mrs. Polk, but usually occupied himself with matters of

more interest than flirtations and gossip. He was in no sense a beau, and unlike many of his contemporaries avoided disgusting pretensions in that way.

Soon after her marriage Mrs. Polk took up her residence with her husband at Columbia. At this place they made their home until after returning from Washington in 1849, and here they usually spent their time during the vacations of Congress, occasionally visiting Mr. Polk's little plantation near Grenada, Mississippi. And here, in 1834, Mrs. Polk united with the Presbyterian Church, in which she had been reared. Yet this step in her life made no perceivable change in her social interests, and especially not in those relating to the position of her husband. When Mr. Polk became Governor of the State she went with him to Nashville, where her house became the center of the "fashionable elegance," as well as of the political diplomacy of the old Capital. Mrs. Polk accompanied her husband to Washington in February, 1845, and on the long route shared with him a great part of the attention of the people, especially of the women. Coming from the South, it was supposed that the President and his wife would have an army of servants at their heels, but in this the curious were disappointed. Only two attendants of this description accompanied them, and these were to become "help" about the White House. On arriving in Washington they took rooms at Coleman's Hotel, where they remained until the 4th of March.

At Coleman's Mrs. Polk had her parlor, as had



the President his, and here the stream of friends, flatterers, and office-seekers set in from the day of their arrival. General Wool, an old acquaintance of Mrs. Polk, came to Washington in February, especially to be her escort at the inauguration, and with him, Judge Brown, of Tennessee, and Mrs. Judge Catron, she attended the ceremonies at the Capitol.

It had become at this time the convenient and proper thing for the outgoing President and his family to vacate the White House on the evening of the 3d of March. This Mr. Tyler's family had done, and immediately after the inauguration on the 4th President Polk and his family took possession.

Mrs. Polk never attended a theater, nor did the President, while they were at the White House, although they were both, like most of its occupants, at other times addicted to the folly of theater-going. At the time President Polk entered the White House he had a home at Columbia, Tennessee, and his plantation in Mississippi. From the latter and his profession he received his support. Then, the affairs at the White House were in some respects quite different from what they are at the present day. The President paid from his salary most of the expenses of the White House. The fifteen or twenty servants, including the steward, cooks, house-keeper, etc., were paid out of his salary, and even the expense of light and fuel was borne by him. The general control of the furniture and affairs of the residence was under the commissioner of public

buildings, appointed by Congress. It may readily be seen under these circumstances how it was that none of these earlier Presidents made any money, and that some of them left the office with debts hanging over them from which they were never relieved. President Polk accumulated nothing. Mrs. Polk states that they had not saved enough at the end of the term to support them a year in their quiet home at Nashville. With a salary of \$50,000 and everything furnished the case is different. The furniture then, as now, was supplied by Congressional appropriations. Over this Mr. Polk exercised a conscientious control, although at some of the dinners the destruction was very considerable.

As "Lady of the White House," Mrs. Polk made no visits or calls. Although at first she had decided on this course, she was confirmed in it by a little event that happened early after her occupancy of the Presidential Mansion. Mrs. Dolly Payne Madison was then a resident of Washington, and by the assistance of Payne Todd, her son, having managed greatly to reduce her circumstances, Mrs. Polk was accustomed to call when riding out to take Mrs. Madison with her. On one of these excursions she found Mrs. Madison surrounded with company, and on going out of her carriage to wait for her, was at once met by Mrs. Madison's visitors with the question as to whether she would not, as Mrs. Madison had done, return calls, and visit her friends, and not remain pompous and exclusive at the White House. Mrs. Polk at once appealed to Mrs. Madison and

said she would be subject to her decision in the case. Upon which Mrs. Madison very promptly stated that the times had greatly changed since her day at the Executive Mansion; that one parlor then held all the visitors, that now the whole house would not hold them; that Washington had become too populous to make it desirable for the plan she had pursued to be satisfactorily carried out.

Mrs. Polk held two regular evening receptions every week, and one on every Saturday morning during the sessions of Congress. This Saturday morning reception, it is believed, was started under her auspices, and was at the instigation of the members of Congress, who had leisure on that day, both houses usually adjourning on Friday evening.

While in the White House Mrs. Polk attended with great regularity the Presbyterian Church on 4½ Street, and was one of its most charitable supporters. Her departure from Washington, in 1849, was made the occasion of considerable "fuss and feathers" in this Church. It was regarded as her final leave-taking, and so it turned out to be, as she has never since visited Washington City.

During Mr. Polk's Administration the Mexican war absorbed almost every other interest, yet it was so much a one-sided affair, and contractors and everybody and everything else in the United States were in such a flourishing condition that there was little diminution in social gayeties at the Capital, especially in the "court circles." One of the events so doted on by this class of people was the marriage of the

sister of Secretary Walker at his residence. This was made quite a grand affair; as was the marriage of Commodore Shubrick's daughter. Colonel Benton also, in 1848, gave his daughter Sarah to Richard Taylor Jacob, afterwards Lieutenant-Governor of Kentucky, and an excellent man he was, too. Colonel Jacob is still living, but now with a second wife, near the Ohio River, in Kentucky. At this wedding was Henry Clay, one of the most gallant men of his age. He led Mrs. Jacob to the supper-table. I confess it is annoying to me to be obliged to speak of eating and drinking in connection with the highest and best deeds of men's hearts and lives; and were it not for the privilege of saying something of this kind, I do not think I should mention that there is ever such a thing as eating and drinking, mere animal necessities, which are made less fuss over as men go up in the scale of refinement and intelligence.

Of the Southern women who have held the position of "Mistress of the White House," Mrs. Polk was, perhaps, best suited to the task by her long training in Washington society. Strictly speaking, besides "Lady Washington," the wife of Abraham Lincoln, Mrs. A. J. Donelson, Mrs. John Tyler, and the wife and daughter of President Johnson, she is the only Southern woman who has occupied that station. Mrs. Monroe and Dolly Madison were really not Southern women. Mrs. Madison carried the prize for universal popularity among all of the "Ladies of the White House." Yet she was not



possessed of the educational advantages of Mrs. Polk. In the old regal pomp of the Colonies, Mrs. Washington stands alone, and nobody compares with her; but for social, diplomatic, and attractive traits, from a republican point of view, most of them preceded her. Mrs. Polk was very dignified and exclusive in the White House, and since she left it she has very successfully adhered to the same course.

On the 3d of March (Saturday evening), 1849, President and Mrs. Polk left the White House and took quarters at a hotel. From his hotel on Monday, the 5th, Mr. Polk joined General Taylor, and attended him through his inaugural ceremonies at the Capital. On the next day, with his wife, he left on his long journey home, and with him Mrs. Polk shared the "honors" of the trip more decidedly than she had done on their tour to the Capital four years before. Her Administration at the White House, in some respects, had been more popular than his notwithstanding her courage in shutting dancing and card-playing out of the President's Mansion, as being unbecoming and unsuited to the dignity of the place and office. Mrs. Polk's early training at the Moravian Institute doubtless had an influence on her after life. Her education was good for that day, and at the time of her marriage she was, to some extent, cultured in music, both vocal and instrumental, but this she gave up during the Congressional days of her husband, and now, although a piano stands in one of her parlors, it is quite certain that she does not use it. She is a

reader, and is well informed in the affairs of the day. No doubt her association with distinguished men led her to read more solid reading than is customary with men, saying nothing about women. But the peculiar circumstances of Mrs. Polk's life make her in a great degree a woman of the past. Indeed, this fact she not only recognizes but also conducts herself in a way to lead others to take the same view of her. No old ex-President of the United States ever made more of a shrine of himself than does Mrs. Polk of herself; and, perhaps, none ever felt that he had more right to do so, or that it was more proper to do so. She sits in her old palace, rides out in the good weather of the summer, but rarely in the winters; does not even visit her friends, calls on nobody, accepts no invitations, and waits for the curious, the formal, the flattering, the friendly and true to call to do her homage, or rather her husband in her. No woman, perhaps, was ever truer to her husband and his honor, and none ever took a greater pride and pleasure in regarding and representing herself as the work of his hands, and the bearer and inheritor of his fame. She is one of the most fortunate women who has ever lived in this country, in many respects. It would be a mistake to think that she was, in any sense, the architect of her good fortune. By her parents she was cared for at every step and act, and by the side of her husband, who was himself concerned about little things, she was hardly allowed to put one foot before the other without his care

and direction, and after his death, his honors, to some extent, settled upon her shoulders, and she bears them along without vanity, perhaps, as if she were the last possible gift of a great man to an ever grateful country. It is a mere fantasy to suppose that the duties of the "Lady" of the White Mansion, on Pennsylvania Avenue, Washington, are ever onerous. No woman, at all tinctured with a sense of flattery and attention with fashion, dress, and gay and grand life, does not, would not, take her life as President's wife as the center around which all the glories of being in this world gathered. Mrs. Polk so regarded it. For such women, so circumstanced, Washington is the American Mecca. Beautiful Washington! Charming Washington! Words can hardly depict its delights. The Congressional days of Mr. Polk were to Mrs. Polk glorious, indeed, and those at the White House only finished for her the ineffable charms of life. To her, life there was absolutely without a care. She looked after nothing, not even the chair on which she sat, let alone those for others to occupy. When the day came for her to go in, she went, and hardly did the gold spoon go to her mouth by her own direction, or the foot to the soft floors; when the time came for her to go out, she went, knowing that it was not even necessary for her to stop to think that her successor would be provided for, as she had been, by unseen hands and influences, and like her be the pampered model and idol of the devotee of fashion and politics, as well as of poor common patriotism.

Mrs. Polk is by no means a politician, nor was she ever so in the most intense days of her husband's public life, strictly speaking. His successes were assured without her interference, and her line of duty lay in the direction of social diplomacy. Still even that is a hard term to use in her case. For art and cunning in speech she never could have used, as she is wholly free from such qualities now. She was well acquainted with the public men of her husband's official times, but she hardly went below or above their social qualities. Men and names were more than principles on the social plane. Yet she was better informed than it was her disposition to make known. Mrs. Polk early learned to be silent where anything was at stake. She never told more than she knew, and seldom made an effort to display what she said as wisdom. She lived behind her husband, as a politician, and now thinks that women then, as now, were apt to talk too much. A misfortune, however, not at any period in human events especially confined to "the sex." To-day Mrs. Polk, as much as at any point in her long life, rejects the idea of being called a politician, and manifests considerable aversion to women giving themselves political airs. After thirty years, standing alone, with great modesty and firmness, she occupies her old position of comparative quiet in the shadow of her distinguished deceased husband. Mr. Polk once had occasion during a heated campaign in Tennessee to say, when she had come to his rescue without his knowledge: "None but Sarah knew so intimately my private affairs."



This statement was at once a mark of his wisdom and of hers, and a demonstration of the fact that the one, fit above all others to be intrusted with his honor, and the minutest knowledge of his life, actually held that place with him.

During the Rebellion Mrs. Polk was, perhaps, somewhat misrepresented as to her position in the great conflict. But she was not a talker, and her sentiments were seldom made known. It was, no doubt, her constant effort and her pride to feel that she was national in her character, and was not to be considered as in any way connected with a war which she believed was all wrong, and never should have been. When told that while she took this lofty position, and fully sanctioned her husband's views as to the ultimate end of slavery, during the great conflict, her sympathies may have, in spite of her, taken a certain shape. "Yes," said she, "when it came to actual conflict, and the lives of the people with whom I had always lived, and whose ways were my ways, were at stake, my sympathies were with them; but my sympathies did not involve my principles, and I always have belonged, and do now belong, to the whole country. I repeat again that Mr. Polk was an emancipationist, and I concurred with him fully, and would have carried out his views to the last if I could. But the end came sooner than he expected, sooner than I expected, and settled all for us. It was the work of Providence. The question is dead. It is not even necessary to talk of it. And I have no complaints to make. I am content."

Mrs. Polk is full medium in height, appears larger than she is, weighs about one hundred and thirty-five pounds; face is rounder and fuller than when younger; has high, broad forehead; dark, not blue, eyes; long, large nose; large mouth; lips usually open showing long upper teeth, some of which are artificial, lacking some teeth where they ought to be; hair hardly gray, kept in ringlets in front; always wears a little turban or bandeau of white and black crape, trimmed in black ribbon, and wears a black gown relieved by streaks of white at the neck and breast. After the death of her husband, Mrs. Polk adopted her niece, Miss Sarah Polk Jetton, who now lives with her in the old Grundy-Polk mansion, and is the wife of George W. Fall, a merchant of Nashville.

The diary prepared by the President during his last year in the White House, and many of his other writings and papers, all of them in fact, are scrupulously held by Mrs. Polk, with the view of their finally becoming a part of the history of the country. It is the design, at all events it is Mrs. Polk's design, at her death that all of this shall make some sort of history of Mr. Polk's times. Mrs. Polk is in possession of very few of her husband's letters. But Mr. Polk retained the letters of his friends and political associates, etc., and these she has preserved. They are in an old case in the room used by Mr. Polk as his office, and are as he labeled them himself. These constitute a considerable part of his remaining papers.

The old house in which Mr. Polk died, and in which his widow now lives, is brick, unpainted, two stories high, and consists of twelve rooms, and two great halls opening into the center of the house on both floors, to both fronts and porches, and is located on Vine and Union Streets, but stands far back in the yard, and the yard and outbuildings extend to Spruce Street on the west side of the property. The main, long front, faces Vine Street on the east, and the other front is to the south, opening into Polk Avenue, beginning against the Polk Place and opening and terminating on Church Street. The two big yards stretching out from each front, are filled with mulberry and poplar trees mainly, and various small shrubs, no effort being made to ornament the grounds, or more than to keep them and the house from positive decay and dilapidation, with a view of maintaining the same general appearance as at the death of Mr. Polk. In the great hall on the second floor (which is covered with straw matting) there are several old book-cases which have solid doors, and look as if they were made by a neighborhood carpenter, in which are the books that belonged to Mr. Polk's law library, dusty and poorly kept. Every thing here is dreary enough. In the southeast corner on the second floor, with the great hall on two sides cutting it from all other rooms, is a large square room which was occupied by Mr. Polk as his office. Like the rooms on the first floor, the ceiling is very high. The musty and dusty paper peeled off, and in places falling from the wall, a drear-

looking old fire-place on one side (next the hall), a long office table in the center of the room on which are some of Mr. Polk's manuscript covered with newspapers and sprinkled with tobacco, to keep off dust and moth. Two or three of the book-cases similar to those in the hall are in this room; boxes, demijohns, trunks, etc., surround the wall, most of them having been used to convey presents to the President. An old black leather trunk, not much the worse of the wear, with the letters J. K. P. on its end, stands against the wall, the whole presenting as uninviting and cold an appearance on a cold day as any one would desire to see. In one of the parlors, in a case with glass doors, is a little fancy case containing a number of mementos of the great days of Mr. Polk, and among them more than a half-dozen canes of different kinds, presented by admiring friends. In the library room there is a pair of boots made as a present by some shoe-maker in North Carolina, and William, the colored boy, said they were a hundred-dollar pair, but the President never wore them, of course. They have exceedingly long flat toes, and look as if they were designed for a minstrel, notwithstanding the gilt stamped and stitched uppers and legs.

In one of the parlors are portraits of Jefferson (flattering him greatly, and making him look much superior to "little Jim Madison") and Madison, also Old Hickory, and Healy's portrait of Mr. Polk, made while he was President, in 1848, the best picture of him extant. And here also is a portrait of Mrs.



Polk, taken by Healy at the same time. All these are bust pictures. No full lengths are found in the house. Healy's picture of Mrs. Polk is wholly unlike any others of her, at any stage of her life. It represents a dark, Southern women, with long raven curls and bangs, with a determined, if not a daring and adventurous will, a strange and attractive picture. The fine neck and round and beautiful shoulders and breast are bare, the whole presenting a wild, fiery-eyed ideal kind of woman of great strength, and a style of character and beauty which very improbably ever belonged to Mrs. Polk.

In the common parlor, on the southeast corner of the Polk residence, are several interesting pictures, and some other objects worthy of note connected with President Polk. On the large mantel-piece are several of his first valuable public documents, printed and framed, and one of the specimens of needlework done on canvas by Mrs. Polk, when she was a pupil in the Salem Institute. But in this room is the finest portrait ever made of Mrs. Polk, executed a few years ago by a Nashville artist. Although taken twenty-five years later than the others, it exhibits a fuller and more handsome face, and a head and general contour of much more character and force. Here, too, is found a picture of her taken in the earlier days, by Earl, the companion and friend of Jackson, whose bones now molder near those of the old hero in the garden at the Hermitage. This picture, like that of Healy's best, the strange, weird picture in the other parlor, does not

show an open mouth with exposed upper teeth. It represents a young woman of a high forehead, an exceedingly long and pointed nose, and sharp, pointed chin, dark hair and skin, and a beautiful neck and shoulders, which are entirely clear of covering or ornament. This picture conveys no idea whatever of the Mrs. Polk of to-day. Earl's portrait of Mr. Polk, taken at the same time, is probably accurate, and is a good piece of work. A copy of Healy's picture of Polk is in the State Library at the Capitol, in Nashville.

Here (in the State Library) is found quite a valuable collection of portraits. All the governors of the State, except two or three; a very fine full-length portrait of W. G. Brownlow, with his long projecting white cuffs, and loose, slip-shod clothing. Also a fine full-length picture of General Geo. H. Thomas. Also full-length portraits of Felix Grundy and Cave Johnson. Here, too, is a fine picture of David Crocket, one of the rare geniuses in which Tennessee has been so fruitful; and Crocket's tall, side-board, white collars are as conspicuous as Brownlow's cuffs. The picture of Andrew Johnson in this collection is the finest of him in existence, and those of H. L. White, John Bell, and many others, are very good. There is here a very fair portrait of Abraham Lincoln. But the most noticeable and interesting portraits in the lot, to me, are two by Earl, of Andrew Jackson and his wife. They hang side by side over the entrance to the Law Library. The General's is a full side view,

and no copies of it, perhaps, have ever been taken. His chin appears much drawn in and shortened, and his nose apparently greatly lengthened and sharpened. His lips are primped and drawn close with a perpendicular aspect; his spectacles are on, and the frame is red; he holds a book, evidently the Bible, in his hands (both hands), the whole face and attitude presenting a most pious, Sunday morning air. He is reading to "Aunt Rachel," and he is saying, it is reasonable to suppose: "Ye—hāve—hēard — it — sāid—by—them—of—old-time,—an—eye — for — an — eye, — and — a— tooth—for—a—tooth." The dress of the General is scrupulously neat, and the head well "stocked" up according to the fashion of the times. The picture of "Old Mistus" presents a very opposite idea in every respect, and, if these pictures were believed, it would be hard to come to any other conclusion than that the weight of piety was mainly on the General's side, that he was the dear, good Dr. Philanthropus himself. Rachel has a kind of fat, easy, don't-care appearance about her, and a decided sparkle from her eyes, which says very evidently: "That is all right, Father Prim, Honey, but look at me!" Her appearance and garb take all solemnity from the scene. She has a coral strand around her fat, thick, short neck, and her fat breasts are mainly bare. Her great flabby, double chin, and wide mouth suggest the air of perfect contentment; her full upper lip looks dirty with its sprinkling of black hair; her great arms, thick as lamp-posts, are folded, and bare

away up nearly to the shoulders; and it certainly would be difficult for anybody to look at these two pictures, and take a second thought, without being startled by the sense of the ridiculous, and ridiculously true, which lights up the whole scene. These two remarkable and interesting subjects the faithful Earl always had before him, and it may not be wondered at that the spirit of truthful caricature sometimes guided his artistic hand.





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